



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

[खण्ड १६]

शिमला, शनिवार, ७ दिसम्बर, १९६८/१६ अग्रहायण, १८६०

[संख्या ४६]

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७ दिसम्बर, १९६८/१६ अग्रहायण, १८६० को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईः—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 4-8/68-Elec., dated the 26th August, 1968.	Election Department	Notifying the election of members of the Small Town Committee, Shri Naina Deviji.
No. 2-12/64-LSG., dated the 26th August, 1968.	Local Self Government Department	Appointment of members of the Small Town Committee, Shri Naina Deviji, District Bilaspur, Himachal Pradesh.

भाग १—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उप-राज्यपाल और हिमाचल बैच आफ देहली हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

APPOINTMENT (I) DEPARTMENT

NOTIFICATIONS

Simla-2, the 18th June, 1968

No. 11-4/68-App. —In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Crimina

Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri M. M. Sahai Srivastava, I.A.S., to be the Magistrate of the First Class, with all the powers of a Magistrate 1st Class, under the said code, to be exercised within the local limits of Sirmur district, with immediate effect.

2. In exercise of the powers conferred by sub-section (1) of section 10 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), is further pleased to appoint Shri M. M. Sahai Srivastava, Magistrate of the First Class, to be the District Magistrate of Sirmur district, with immediate effect.

Simla-2, the 3rd September, 1968

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 18 of the Himachal Pradesh (Courts) Order, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Delhi High Court, is pleased to appoint Shri Jit Ram, Sub-Divisional Officer (Civil), Rampur, District Mahasu, to be a Subordinate Judge, with immediate effect for a period of four months and further directs that—

- (a) under paragraph 21 of the said order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 2,000 (Rupees two thousand only); and
- (b) under paragraph 22 of the said order, the local limits of the jurisdiction of the said officer shall be the whole of Mahasu district.

2. In exercise of the powers conferred upon him by paragraph 24 of Himachal Pradesh (Courts) Order, 1948, read with sections 5 and 6 of the Provincial Small Cause Courts Act, 1887, the Administrator (Lieutenant Governor), is further pleased to confer the jurisdiction of a Judge of the Court of Small Causes upon Shri Jit Ram, Sub-Divisional Officer (Civil), Rampur, District Mahasu, for the trial of small cause suits upto the value of Rs. 200 (Rupees two hundred only) within the local limits of Mahasu district, with immediate effect for a period of four months.

Simla-2, the 3rd September, 1968

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 18 of the Himachal Pradesh (Courts) Order, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Delhi High Court, is pleased to appoint Shri Dhian Singh Kutlehra, Tehsildar Moorang, District Kinnaur, to be a subordinate Judge, with immediate effect for a period of four months and further directs that—

- (a) under paragraph 21 of the said Order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 500 (Rupees five hundred only); and
- (b) under paragraph 22 of the said order, the local limits of the jurisdiction of the said officers shall be the whole of Kinnaur district.

Simla-2, the 3rd September, 1968

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964, the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to appoint Shri S. K. Alok, I.A.S., to be an Executive Magistrate of the First Class, under the said code, to exercise the powers as such within the local limits of Kangra Sub-Division of Kangra district, with immediate effect.

2. In exercise of the powers conferred by section 13 of the Code of Criminal Procedure, 1898 (Act V of 1898),

as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964, the Administrator (Lieutenant Governor), Himachal Pradesh, is further pleased to place Shri S. K. Alok, Executive Magistrate of the First Class in charge of the Kangra Sub-Division of Kangra district to be called Sub-Divisional Magistrate, with immediate effect.

Simla-2, the 3rd September, 1968

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 18 of the Himachal Pradesh (Courts) Order, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Delhi High Court, is pleased to appoint Shri S. S. Sidhu, Sub-Divisional Officer (Civil), Nichar, District Kinnaur, to be a subordinate Judge, with immediate effect for a period of four months and further directs that—

- (a) under paragraph 21 of the said order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 500 (Rupees five hundred only); and
- (b) under paragraph 22 of the said order, the local limits of the jurisdiction of the said officer shall be the whole of Kinnaur district.

Simla-2, the 3rd September, 1968

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 18 of the Himachal Pradesh (Courts) Order, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Delhi High Court, is pleased to appoint Shri K. Kipgen, Sub-Divisional Officer (Civil), Kalpa, District Kinnaur to be a subordinate Judge, with immediate effect for a period of four months and further directs that—

- (a) under paragraph 21 of the said order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 2,000 (Rupees two thousand only); and
- (b) under paragraph 22 of the said order, the local limits of the jurisdiction of the said officer shall be the whole of Kinnaur district.

Simla-2, the 3rd September, 1968

No. 10-6/67-Apptt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to appoint the following Tehsildars to be the Magistrates of the Second Class, with all the powers of a Magistrate 2nd Class, under the said code, to be exercised within the local limits shown against each, with immediate effect:—

1. Shri Roop Singh Negi, Tehsil Rampur, District Mahasu.
2. Shri Ratti Ram Chauhan, Tehsil Rohru, District Mahasu.

Simla-2, the 3rd September, 1968

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 18 of the Himachal Pradesh (Courts) Order, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Delhi High Court, is pleased to appoint Shri Nihal Singh, Magistrate 1st Class-cum-Treasury Officer, Kalpa, District Kinnaur, to be a subordinate Judge, with immediate effect for a period of four months and further directs that—

- (a) under paragraph 21 of the said order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 500 (Rupees five hundred only); and
 (b) under paragraph 22 of the said order, the local limits of the jurisdiction of the said officer shall be the whole of Kinnaur district

Simla-2, the 9th September, 1968

No. 10-5/67-Appt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri Punnu Ram, Naib-Tehsildar, Shillai, District Sirmur, to be the Magistrate of the 2nd Class with the powers of a Magistrate Second Class, under the said code, to be exercised within the local limits of Sub-Tehsil, Shillai, District Sirmur, with immediate effect.

Simla-2, the 9th September, 1968

No. 10-5/67-Appt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri Lal Chand Chauhan, Naib-Tehsildar, Suni, District Mahasu, to be the Magistrate of the 3rd Class, with all the powers of a Magistrate Third Class, under the said code, to be exercised within the local limits of Sub-Tehsil Suni, District Mahasu, with immediate effect.

Simla-2, the 19th September, 1968

No. 10-2/68-Appt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri Gian Chand Khatana, Assistant District Planning and Development Officer, Nahan, to be the Magistrate of the Second Class, with all the powers of a Magistrate 2nd Class, under the said code, to be exercised within the local limits of Sirmur district, with immediate effect.

Simla-2, the 19th September, 1968

No. 10-2/68-Appt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri Shamsher Singh, P.C.S., Treasury Officer, Chamba to be the Magistrate of the First Class, with all the powers of a Magistrate 1st Class, under the said code, to be exercised within the local limits of Chamba district, with immediate effect.

PRAKASH CHAND,
Joint Secretary.

APPOINTMENT (II) DEPARTMENT NOTIFICATION

Simla-2, the 23rd August, 1968

No. 7-8-68-Appt. (II).—In supersession of this Government Notification of even number, dated the 18th April, 1968 the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to accord sanction to the grant of 58 days earned leave preparatory to retirement to Shri A. S. Bhatnagar, Additional District Judge, Mandi (Himachal Pradesh) with effect from 4-5-1968 to 30-1-1968, both days inclusive.

2. After the expiry of the above mentioned leave, Shri Bhatnagar, Additional District Judge, Mandi

(Himachal Pradesh) shall stand retired from the service of Government of Himachal Pradesh.

3. The Administrator (Lieutenant Governor), Himachal Pradesh, is further pleased to accord sanction to the grant of refused leave for 33 days from 1-7-1968 to 2-8-1968 in favour of Shri A. S. Bhatnagar.

PRAKASH CHAND,
Joint Secretary.

CIVIL SUPPLIES DEPARTMENT

NOTIFICATION

Simla-4, the 12th August, 1968

No. 9-48/65-CS.—On the recommendations of the Departmental Promotion Committee, the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to promote Shri N. S. Gautam, a permanent District Co-operative and Supplies Officer, to the post of Deputy Director, Civil Supplies, Himachal Pradesh, in the scale of Rs. 250-25-300-30-510-30-600-40-800-50-850 on an officiating basis with effect from 17-9-1966.

Shri N. S. Gautam shall remain on probation for a period of two years.

PRAKASH CHAND,
Joint Secretary.

EDUCATION DEPARTMENT

NOTIFICATION

Simla-1, the 26th November, 1968

No. 5-32/68-Edu(Estt.I).—The Administrator (Lieutenant Governor), Himachal Pradesh is pleased to withdraw the powers of appointment and discipline in respect of all categories of school teachers, delegated to the various authorities in Himachal Pradesh as specified in notification of even number, dated the 18th September, 1968 with immediate effect.

2. The Administrator (Lieutenant Governor), is further pleased to order that the appointing disciplinary and Appellate authorities in respect of all categories of teachers in the Education Department, Himachal Pradesh will hence forward be the same as declared vice Notification No. 13-3/67-Edu. (Estt. I), dated the 3rd July, 1968.

D. B. LAL,
Secretary.

FOREST DEPARTMENT

NOTIFICATIONS

Simla-4, the 29th November, 1968

No. Ft. 1061-9/67.—Whereas it appears to the Lieutenant Governor of the Himachal Pradesh that it is desirable to provide for the better preservation and protection of the local area (Specified in the schedule below) which has been affected or is liable to be affected by the deboisement of the forests and by the action of chos the Lieutenant Governor of the Himachal Pradesh is pleased to direct in exercise of the powers conferred by section 3 of the Punjab Land Preservation Act, 1900 that provision should be made accordingly.

SCHEDULE

District: KANGRA

Tehsil : UNA

Village	Area in acres
Popeher H.B. Nos. 49	66
Ghathrun H.B. Nos. 53	96
Nandpur H.B. Nos. 163	340

Simla-4, the 29th November, 1968

No. Ft. 1061-13/68(M).—Whereas the areas specified in the schedule appended to this notification, have been declared second class forests, vide PEPSU Government Gazette No. 40, dated the 4th January, 1953;

And whereas under sub-section (2) of section 7 of the Indian Forest (Punjab Amendment) Act, 1962, the aforesaid areas are deemed to be reserved and protected forests for the purpose of the Indian Forest Act, 1927;

And whereas in pursuance of the Working Plan prescribed for various working circles it is essential to restock the portion of these forests by natural and artificial regeneration.

Now, therefore, in exercise of the powers conferred by clause (b) of section 30 of Indian Forest Act, 1927 and all other powers enabling him in this behalf the Lieutenant Governor, Himachal Pradesh, is pleased to declare that the portions of the protected forests specified in the schedule appended to this notification and situated in Kandaghat tehsil of Simla district shall be closed for the purpose of regeneration and soil conservation for period of 10 years from the date of publication of this notification in the Official Gazette and that all the rights of private persons as provided in the Forest Settlement of 1937, except the rights of way and water, in or over the said portions of the forest so closed, shall remain suspended during the said period.

Provided that the rights of private persons so suspended shall be exercisable by them in the remainder of such forests which is sufficient for the purpose.

SCHEDULE

District: SIMLA

Tehsil: KANDAGHAT

No. and name of forest	Total area of forest in acres	Area to be closed in acres	Description of boundaries
2/82 Khanota Chakali C-2.	638	21	Compartment No. C-2 (Part).
1/30 Nauni C.I. (Part).	201	20	C.I. (Part)
2/12 Kaloh	7	2	One-third.
2/29 Jablog	15	5	Third part.
2/33 Khariar	80	27	One-third.
2/34 Ropar	6	2	-do-
2/35 Jajar	58	19	-do-
2/36 Bhanon	14	4	-do-
2/37 Panewa	96	32	-do-
2/38 Raikot	87	29	-do-
2/39 Tathol	13	4	-do-
2/40 Alobara	136	46	-do-
1/17 Bisha	165	41	-do-
1/27 Shaog Badog	256	49	Compartment No. 2 (Part).
2/57 Danoh Dochi Bisha.	16	5	One-third.
2/58 Bisha	200	14	Part of the forest

Simla-4, the 29th November, 1968

No. Ft. 1061-13/68.—Whereas the areas specified in the schedule appended to this notification, have been declared second class forests vide PEPSU Government Gazette No. 40, dated the 4th January, 1953;

And whereas under sub-section (2) of section 7 of the Indian Forest (Punjab Amendment) Act, 1962, the aforesaid areas are deemed to be reserved and protected forests for the purpose of the Indian Forest Act, 1927;

And whereas in pursuance of the Working Plan prescribed for various working circles it is essential to restock the portion of these forests by the natural and artificial regeneration.

Now, therefore, in exercise of the powers conferred by clause (b) section 30 of Indian Forest Act, 1927 and all other powers enabling him in this behalf, the Lieutenant Governor, Himachal Pradesh, is pleased to declare the portions of the protected forests specified in the schedule appended to this notification and situated in Kandaghat tehsil of Simla district, shall be closed for the purpose of regeneration and Soil Conservation for the period of 10 years from the date of publication of this notification in the Official Gazette and in the Forest Settlement of 1937 except the rights of way and water, in or over the said portions of the forest so closed, shall remain suspended during the said period.

Provided that the rights of private persons so suspended shall be exercisable by them in the remainder of such forests which is sufficient for the purpose.

SCHEDULE

District: SIMLA

Tehsil: KANDAGHAT

No. and name of forests	Total area of forest in acres	Area to be closed in acres	Description of boundaries
2/46 Tarab C. I	484	26	Portion of C.I.
2/48 Raikot Kathalighat.	182	24	Portion of C. 4

Simla-4, the 29th November, 1968

No. Ft. 1061-13/68(M).—Whereas the owners of the majority of shares in the land specified in the following schedule, have with a view to the Conservator of Forests thereon, represented in writing to the Collector of Simla district that, the said land may be managed on their behalf by the Himachal Pradesh Government as a protected forest, on such terms as may be mutually agreed upon.

Now, therefore, the Lieutenant Governor, of Himachal Pradesh, in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927 is pleased to declare that sections 30, 32, 33, 34 and 68 of the said Act shall apply to the lands specified in the following schedule.

SCHEDULE

District: SIMLA

Tehsil: KANDAGHAT

Village	Description of Khasra No.	Area in bighas	Area in acres
1	2	3	4
ANJI	10, 11, 12, 13, 14, 15, 16,		64
SUNARAN	17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122,		

1

2

3

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123, 124, 125, 126,
 127, 131, 208, 209, 210,
 211, 21, 213, 214, 215,
 216, 217, 218, 219, 220,
 221, 222, 223, 224, 225,
 227, 228, 229, 230, 231,
 232, 233, 234, 235, 236,
 237, 238, 239.

Simla-4, the 29th November, 1968

No. Ft. 1061-13/68(M).—Whereas the owners of the majority of shares in the land specified in the following Schedule, have with a view to the Conservator of Forests thereon, represented in writing to the Collector of Simla district that the said land may be managed on their behalf by the Himachal Pradesh Government as a protected forest on such terms as may be mutually agreed upon.

Now, therefore, the Lieutenant Governor of Himachal Pradesh in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927, is pleased to declare that sections 30, 32, 33, 34 and 68 of the said Act shall apply to the lands specified in the following Schedule.

SCHEDULE*District: SIMLA**Tehsil: KANDAGHAT*

Village with H.B. No.	Description of number Khasras	Area in acres
SHALLAWAN H.B. No. 41/426.	2 min, 22, 23 min, 24, 25 min, 26, 27 min, 28, 29 min, 30 min, 31, min, 175/32, 33, 176/33, 34, 35, 179/35, 36, 72, 74, 75, 76, 79, 80, 81, 82, 182/82, 83, 84, 183/84, 85, 86, 144, 145, 191/145, 192/145, 193/145, 190/145, 195/145, 196/145, 146, 148, 151, 154, 155, 156, 159, 162, 163, 164, 165, 171, 167, 168, 169, 170, 172.	89

Simla-4, the 29th November, 1968

No. Ft. 1061-13/68(M).—Whereas the owner of the majority of shares in the land specified in the following Schedule, have with a view to the Conservator of Forests thereon, represented in writing to the Collector of Simla district that, the said land may be managed on their behalf by the Himachal Pradesh Government as a protected forest, on such terms as may be mutually agreed upon.

Now, therefore, the Lieutenant Governor of Himachal Pradesh in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927, is pleased to declare that sections 30, 32, 33, 34 and 68 of the said Act shall apply to the lands specified in the following Schedule.

SCHEDULE*District: SIMLA**Tehsil: KANDAGHAT*

Village	Description of Khasra No.	Area in acres
NAGAR PANCHAYAT	90 min, H. B. No. 26/311.	5

Simla-4, the 29th November, 1968

No. Ft. 1061-13/68(M).—Whereas the owners of the majority of shares in the land specified in the following Schedule, have with a view to the Conservator of Forests thereon, represented in writing to the Collector of Simla district that the said land may be managed on their behalf by the Himachal Pradesh Government as a protected forest, on such terms as may be mutually agreed upon.

Now, therefore, the Lieutenant Governor of Himachal Pradesh, in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927 is pleased to declare that sections 30, 32, 33, 34 and 68 of the said Act shall apply to the lands specified in the following Schedule.

SCHEDULE*District: SIMLA**Tehsil: KANDAGHAT*

Village with H.B. No.	Description of Khasra No.	Area in acres
GURSHALI H.B. No. 83.	20 min.	6

Simla-4, the 29th November, 1968

No. Ft. 1061-12/67 (M).—The Lieutenant Governor of the Himachal Pradesh is pleased to declare under clause 3(b) of section 30 of the Indian Forest Act, 1927, the land specified in the Schedule appended to Himachal Pradesh Government notification No. Ft. 1061-12/67(M), dated 27-11-1968 shall be closed for purpose of regeneration for a period of 20 years or for such shorter period as may be found sufficient and that the rights of private persons in or over the said land shall be suspended during the said period.

By order,
BACHAN SINGH,
Secretary.

GENERAL ADMINISTRATION DEPARTMENT**NOTIFICATIONS***Simla-2, the 15th November, 1968*

No. 25-17/67-GAD.—It is hereby notified that the holidays enumerated in the Schedule below, shall be observed as public holidays in Himachal Pradesh during the calendar year, 1969 within the meaning of section 25

of the Negotiable Instruments Act, 1881:—

Holidays	Dates on which these fall	Saka Era	Days of the week
Maha Shivratri	15th February	Magha 26, 1890	Saturday
Idu'l Zuha	27th February	Phalgun 8, 1890	Thursday
Holi	5th March	Phalgun 14, 1890	Wednesday
Ramanavami	27th March	Chaitra 6, 1891	Thursday
Muharram	29th March	Chaitra 8, 1891	Saturday
Good Friday	4th April	Chaitra 14, 1891	Friday
Himachal Day	15th April	Chaitra 25, 1891	Tuesday
Budha Purnima	2nd May	Vaisakha 12, 1891	Friday
Bank Holiday	30th June	Asadha 9, 1891	Monday
Independence Day	15th August	Sravana 24, 1891	Friday
Janamastami	4th September	Bhadra 13, 1891	Thursday
Mahatma Gandhi's Birthday.	1st and 2nd October	Asvina 9 and 10, 1891	Wednesday and Thursday.
Dussehra	18th and 20th October	Asvina 26 and 28, 1891	Saturday and Monday.
Goverdhan Puja	10th November	Kartika 19, 1891	Monday
Idu'l Fitar	11th December	Agrahayana 20, 1891	Thursday
Christmas	25th December	Pausa 4, 1891	Thursday
Bank Holiday	31st December	Pausa 10, 1891	Wednesday

Simla-2, the 15th November, 1968

No. 25-17/67-GAD.—The following days of the year, 1969 will be observed as public holidays in Himachal Pradesh:—

Holidays	Dates on which these fall	Saka Era	Day of the week
Maha Shivratri	15th February	Magha 26, 1890	Saturday
Idu'l Zuha	27th February	Phalgun 8, 1890	Thursday
Holi	5th March	Phalgun 14, 1890	Wednesday
Ramanavami	27th March	Chaitra 6, 1891	Thursday
Muharram	29th March	Chaitra 8, 1891	Saturday
Good Friday	4th April	Chaitra 14, 1891	Friday
Himachal Day	15th April	Chaitra 25, 1891	Tuesday
Budha Purnima	2nd May	Vaisakha 12, 1891	Friday
Independence Day	15th August	Sravana 24, 1891	Friday
Janamastami	4th September	Bhadra 13, 1891	Thursday
Mahatma Gandhi's Birthday.	1st and 2nd October	Asvina 9 and 10, 1891	Wednesday and Thursday
Dussehra	18th and 20th October	Asvina 26 and 28, 1891	Saturday and Monday
Goverdhan Puja	10th November	Kartika 19, 1891	Monday
Idu'l Fitar	11th December	Agrahayana 20, 1891	Thursday
Christmas	25th December	Pausa 4, 1891	Thursday

Note.—This list does not include Republic Day, Diwali and Guru Nanak's Birthday which fall on Sundays.

RESTRICTED HOLIDAYS FOR 1969

New Year's Day	1st January	Pausa 11, 1890	Wednesday
Pongal	14th January	Pausa 24, 1890	Tuesday
Holi	4th March	Phalgun 13, 1890	Tuesday
Cheti Chand (Chaitra Sukladi Gudi Padva).	19th March	Phalgun 28, 1890	Wednesday
Mahavira Jayanti	31st March	Chaitra 10, 1891	Monday
Miladun Nabi	29th May	Jyaishtha 8, 1891	Thursday
Onam	26th August	Bhadra 4, 1891	Tuesday
Rakhi Bandhan	27th August	Bhadra 5, 1891	Wednesday
Maharishi Balmik's Birthday.	25th October	Kartika 3, 1891	Saturday
Bhai Duj	11th November	Kartika 20, 1891	Tuesday
Jumatu'l Vida	5th December	Agrahayana 14, 1891	Friday

Note.—This list does not include Guru Ravi Das's Birthday, Vaisakhi and Shaheed Day of Guru Teg Bahadur which fall on Sundays/2nd Saturday.

2. It is further notified that Heads of Offices, shall, at their discretion, grant two holidays in the calendar year on the occasions of important fairs and festivals peculiar to the places where they are celebrated provided that where there happen to be more than two important fairs/festivals two local holidays are to be declared in consultation with the Deputy Commissioners of the respective districts.

K. N. CHANNA,
Chief Secretary.

INDUSTRIES DEPARTMENT
NOTIFICATIONS

Simla-1, the 9th January, 1967

No. I&S.-15(Lab.)359/58().—In exercise of the powers vested in him under section 27 of the Payment of Bonus Act, 1965, read with Government of India, Ministry of Home Affairs, Notification No. F-2/10/65-UTL, dated the 16th October, 1965, the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to appoint the following as Inspectors for the purposes of the said Act in respect of the areas mentioned against each:—

1. Labour Commissioner, Himachal Pradesh.	For whole of Himachal Pradesh.
2. Labour Officer, Himachal Pradesh.	-do-
3. Labour Inspector, Mahasu Circle, Kasumpti	For Mahasu and Kinnaur districts.
4. Labour Inspector, Sirmur district, Nahan.	For Sirmur district.
5. Labour Inspector, Mandi Circle, Mandi.	For Mandi and Bilaspur districts.
6. Labour Inspector, Chamba	For Chamba district

By order,
P. K. MATTOO,
Secretary.

Simla-4, the 19th January, 1967

No. 15-107/66-Ind. II.—The Lieutenant Governor, Himachal Pradesh, is pleased to constitute an advisory Committee consisting of following:—

1. Dr. G. P. Kane, Officer on Special Duty, Ministry of Industry, Government of India, New Delhi ..	Chairman
2. Shri M. Satya Pal, Chief Planning Commission, Government of India, New Delhi or his representative ..	Member
3. Shri A. Oswald, Assistant Inspector General of Forests, Ministry of Food and Agriculture, Government of India, or his representative ..	Member
4. Shri V.P. Malhotra, Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi ..	Member
5&6. Two representatives of M/S Kulu Valley Development Company Limited, Calcutta ..	Members
7. Finance Secretary to the Government of Himachal Pradesh, Simla-4 ..	Member
8. Chief Conservator of Forests, Himachal Pradesh, Simla-4 ..	Member
9. Secretary (Industries) to the Government of Himachal Pradesh, Simla-4 ..	Member-Secretary.

2. The functions of the said Committee under:—

- to advise the Government of Himachal Pradesh on the proposals submitted by M/S Kulu Valley Development Company Limited (Thapar Concern) regarding establishment of Newsprint Mill in Himachal Pradesh;
- to advise the Government of Himachal Pradesh regarding the agreement to be entered into with M/S Kulu Valley Development Company Limited keeping in view the proposal submitted by the Company and the Industrial Forest Policy approved by the Government of Himachal Pradesh with regard to establishment of Newsprint Mill;

(iii) any other matter as may be referred to the Committee by the Government.

3. For attending meeting of the Committee, the non-official members would be entitled to travelling allowance and daily allowance as under:—

(a) *Travelling allowance:*

(i) *Journey by rail.*—They will be treated at par with Government servants of the First Grade, and will be entitled to a single fare of the class of the accommodation actually used but not exceeding the fare to which the Government servants of the First Grade are normally entitled, i.e. accommodation of the highest class by whatever name it may be called, provided on the railway excluding air-conditioned accommodation, by which the journey is performed plus an allowance for incidental expenses at the rate of 35 paise per every 10 kilometres or part thereof, if the journey exceeds 5 kilometres, provided that the same shall be restricted to a maximum of one daily allowance at the ordinary rates laid down in S.R.51 for every 24 hours of the railway journey or part thereof.

(ii) *Journey by road.*—In respect of journeys by road between places not connected by rail, a member will be entitled to road mileage admissible to an officer of the First Grade under the rules and at the rates as applicable to the employees of the Government of Himachal Pradesh.

In case where journey between two places connected by rail is performed by road, rail being the ordinary mode of travelling, the road mileage will be regulated as under:—

- When a journey is performed by taking a single seat in a public conveyance the members will be entitled to—
 - actual fare paid for a seat in the public conveyance plus incidentals admissible as per a journey by rail; or
 - the lower rate of road mileage, whichever is less.

2. When the journey is performed otherwise the higher rate of road mileage but limited to rail mileage will apply.

(b) *Daily allowance.*—(i) The non-official members will be entitled to daily allowance for each day of the meeting at the highest rate admissible to a Government servant of the First Grade for the respective locality.

(ii) In addition to the daily allowance for the day(s) of the meeting, a member shall also be entitled to full daily allowance for the day proceeding and/or the day following the meeting of—

- he arrives in the forenoon of the day preceding the day of the meeting or on an earlier day; and/or
- he departs at 12 noon or in the afternoon of the day following the day of the meeting or on a later day.

But he will be entitled to only half daily allowance for the day preceding and/or for the day following the meeting if—

- he arrives at 12 noon or in the afternoon of the day preceding the day of the meeting; and/or
- he departs in the forenoon of the day following the day of the meeting.

(iii) Daily allowance will be subject to the usual condition laid down in Supplementary Rule. 73, as amended from time to time.

(c) *Conveyance allowance:*

A non-official member resident at a place where the meeting of the Committee is held will not be entitled to travelling allowance on the scales indicated above, but will be allowed only the actual cost of conveyance hire subject to maximum of Rs. 10.00 per day. Before the claim is actually paid the Controlling Officer should

verify the claim and satisfy himself after obtaining details as may be considered necessary, that the actual expenditure will not less than the claimed amount. In cases he is not satisfied with the details, he may at his discretion, limit the conveyance allowance to road mileage. If such a member uses his own car, he will be granted mileage allowance at the rates admissible to officials of the First Grade subject to a maximum of Rs. 10.00 per day.

(d) The travelling and daily allowance will be admissible to a member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey and halts from any other Government source.

(e) The non-official members will be eligible for travelling allowance for the journeys actually performed in connection with the meetings of the Committee *from and to the place of their permanent residence to be named in advance*. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to a place other than the place of his permanent residence after the termination of the meeting travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting, whichever is less.

(f) The provisions of rule 224 of the Central Treasury Rules will apply *mutatis mutandis* in the case of over payments made on account of travelling allowance to non-official members.

4. The Director of Industries, Himachal Pradesh, will be the Controlling Officer in regard to the countersigning of the travelling allowance bills of the non-official member, and the travelling allowance bills will be scrutinised and prepared in the office of the Director of Industries, Himachal Pradesh.

5. The expenditure will be debitable to head "35—Industries-A-Industries-A-1-Direction-A-1-(3)-Allowances and Hon. etc." Non-Plan.

6. Any non-official member/members invited to attend the meetings of the aforesaid Committee as a special invitee would also be entitled to travelling allowance and daily allowance as mentioned above.

CORRIGENDUM

Simla-4, the 7th February, 1967

No. 10-3/62-Ind. II.—The following amendment shall be made in the Government Notification No. 10-3/62-Ind.II, dated the 30th December, 1966, regarding appointment of Directors of Nahan Foundry Ltd., Nahan:—

"The name of Shri P.S. Banerjee, General Manager, Hindus Machine Tools, Pinjore, appearing at serial No. 12 of the Notification shall be deleted".

By order,
P. K. MATTOO,
Secretary.

NOTIFICATIONS

Simla-4, the 9th February, 1967

No. I&S.15(Est.)630/31.—Amendment in this Department notification bearing even number, dated the 29th November, 1966, the pay scale mentioned therein may please be corrected to read as Rs. 250-25-275-25-300/30-510-30-600/30-750.

Simla-4, the 9th February, 1967

No. I&S.15(Est.)426/61.—In continuation of the Himachal Pradesh Administration Notification of even number, dated the 18th/21st January, 1963 the Adminis-

trator (Lieutenant Governor) of Himachal Pradesh, in consultation with Union Public Service Commission, is pleased to extend the period of *ad hoc* appointment of Shri H.C. Saxena, against the post of Deputy Controller, Printing and Stationery, Himachal Pradesh in the pay scale of Rs. 250-25-550/25-750 upto 21st January, 1966.

P. K. MATTOO,
Secretary.

CERTIFICATE OF APPROVAL

Simla-4, the 24th February, 1967

No. 5-24/65-Ind. II.—This is to certify that M/s Cement Corporation of India Ltd., 5-A, Bahadurshah Zafar Marg, New Delhi-1, is approved as a person who is qualified to acquire prospecting licence and mining lease in respect of all minerals except petroleum and natural gas in the territory of Himachal Pradesh under the Mineral Concession Rules, 1960.

The certificate already granted and which expired on the 31st December, 1966, is renewed upto the 31st December, 1967.

CERTIFICATE OF APPROVAL

Simla-4, the 24th February, 1967

No. 5-15/64-Ind. II.—This is to certify that M/s Ram Parkash Anand and Sons, I, Darshani Gate, Dehradun (U.P.) is approved as a person who is qualified to acquire prospecting licence and mining lease in respect of all minerals except petroleum and natural gas in the territory of Himachal Pradesh under the Mineral Concession Rules, 1960.

The certificate already granted and which expired on the 31st December, 1966, is renewed upto the 31st December, 1967.

CERTIFICATE OF APPROVAL

Simla-4, the 28th February, 1967

No. 5-21/63-Ind. II.—This is to certify that M/s Jai Singh Thakur and Sons, Government Contractors, Prohitian Street, Nahan, District Sirmur, (H.P.) is approved as a person who is qualified to acquire prospecting licence and mining lease in respect of all minerals except petroleum and natural gas in the territory of Himachal Pradesh under the Mineral Concession Rules, 1960.

The certificate already granted and which expired on the 31st December, 1966, is renewed upto the 31st December, 1967.

P. K. MATTOO,
Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-1, the 30th October, 1968

No. PW(R)133-39/67/Wii-3772-76K.—Whereas it appears to the Lieutenant Governor of Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Banjar Bathad Road (Phati Bihar Kothi Chehni). It is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, Himachal Pradesh, is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enterupon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may within thirty days of the publication of this Notification file an objection before the Land Acquisition Collector, H. P. P.W.D., Mandi.

SPECIFICATION

District: KULU

Tehsil: SERAJ

Village

*Area
Big. Bis. Bisw.*

BIHAR KOTHI CHEHNI

16 5 2

Simla-1, the 30th October, 1968

No. PW(R)133-39/67/Wii-3717-81-K.—Whereas; it appears to the Lieutenant Governor of Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Banjar-Bathad road (Phatti and Kothi Sarchi), it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This Notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enterupon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this Notification file an objection before the Land Acquisition Collector, H.P. P.W.D., Mandi.

SPECIFICATION

District: KULU

Tehsil: SERAJ

Village

*Area
Big. Bis. Bisw.*

SARCHI

20 13 19

Simla-1, the 22nd November, 1968

No. PW. Works I. Est.1/66-Irrg-1540-43-L.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Staun Kuhl, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector Land Acquisition, Himachal Pradesh P.W.D., is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector Land Acquisition, Himachal Pradesh, P.W.D., Solan.

SPECIFICATION		
<i>District: SIRMUR</i>	<i>Tehsil: PAONTA</i>	
<i>Village</i>	<i>Khasra No.</i>	<i>Area Big. Bis. Bis.</i>
STAUN	232/1	0 9
	250/1	0 3
	250/3	0 3
	251/1	0 3
	281/1	0 5
	282/1	0 1
	283/1	0 3
	284/1	0 5
	287/1	0 1
	280	3 14
		Total .. 5 7

Simla-1, the 27th November, 1968

No. PW(B)51-3-SML-1/64/3732-35-L.—The Lieutenant Governor Himachal Pradesh, is pleased to cancel the notification under the section 4 of the Land Acquisition Act, 1894 issued by the Revenue Department, Himachal Pradesh, Government vide their No. 4-39/65-Rev-I, dated 15th January, 1966 regarding acquisition of land in village Pandoa, Tehsil Suni, District Mahasu, Himachal Pradesh for the construction of Overseer's quarter and godown.

V. R. VAISH,
Secretary.

TOURISM DEPARTMENT

NOTIFICATION

Simla-4, the 29th November, 1968

No. 11-1/66-TD.—The Lieutenant Governor, Himachal Pradesh, is pleased to reconstitute the District Tourist Advisory Committee, Kulu to suggest ways and means for the promotion of tourism in the district and to appoint the following as members:—

Officials

(1) The Deputy Commissioner, Kulu ..	<i>Chairman</i>
(2) The Superintendent of Police, Kulu ..	<i>Member</i>
(3) The Superintending Engineer, B&R Circle, Kulu ..	<i>Member</i>
(4) The Conservator of Forests, Kulu ..	<i>Member</i>
(5) The Director of Mountaineering, Manali ..	<i>Member</i>
(6) The General Manager, Mandi-Kulu Road Transport Corporation, Mandi ..	<i>Member</i>
(7) The District Public Relations Officer, Kulu ..	<i>Member</i>
(8) The Director of Fisheries, Himachal Pradesh, Bilaspur or his nominee ..	<i>Member</i>
(9) The Tourist Officer, Tourist Information Bureau, Kulu ..	<i>Secretary.</i>

Non-Officials

(1) Raja Vir Bhadra, Singh, M.P.	<i>Member</i>
(2) Shri Dile Ram Shabab, M.L.A.	<i>Member</i>
(3) The Chairman, Zila Parishad, Kulu ..	<i>Member</i>
(4) The President, Municipal Committee, Kulu ..	<i>Member</i>
(5) Lt.-Col. R.M. Banon, Manali ..	<i>Member</i>
(6) Shri Ved Vayas Parsi, Kulu ..	<i>Member</i>
2. The term of non-official members will be two years.	
3. The official members are appointed in their official capacity and non-officials in their personal capacity.	

4. The official members will be entitled to travelling and daily allowance admissible to them according to the rules governing them. The non-official members will be allowed Travelling Allowance and Daily Allowance as per Annexure 'A'.

5. The expenditure involved on travelling allowance and daily allowance of non-official members will be met out of the budget grant of the Tourism Department under Head '39-Miscellaneous Social and Developmental Organisation, E-Tourist Organisation, E-1-Expenditure in connection with Tourist Traffic, E-1(3)-Allowances and Honoraria, etc.' Non-Plan.

6. The controlling officer in regard to countersigning the Travelling Allowance bills of the non-official members of this Committee will be the Deputy Commissioner, Kulu.

7. The meeting of the Committee will be held once in a year for a day at Kulu or Manali.

8. This issues with the concurrence of the Finance Department obtained vide their U.O. No. 8461, dated 26-7-1968.

ANNEXURE 'A'

T. A. and D.A. to the Non-official Members (including M.L.A.)

1. Travelling allowance:

(i) *Journey by rail.*—They will be treated at par with Government servants of the First Grade, and will be entitled to a single fare of the class of accommodation actually used, but not exceeding the fare to which the Government servant of the First Grade are normally entitled, i.e., accommodation of the highest class, by whatever name it may be called provided on the railway by which the journey is performed excluding air condition accommodation plus an allowance for incidental expenses at the rate of Rs. 35 paise per every 10 kilo meters or part thereof, if the journey exceeds 5 Kilometers restricted to one daily allowance at the ordinary rate or at the rate of Rs. 3.00, whichever is more, for every twenty four hours of railway journey or part thereof.

2. (ii) *Journey by road.*—In respect of journeys by road between places not connected by rail, a member will be entitled to road mileage admissible to an officer of the First Grade under the rules and at the rates as applicable to the employees of the Himachal Pradesh Government.

In a case where journey between two places connected by rail is performed by road, rail being the ordinary mode of travelling the road mileage will be regulated as under:—

- (i) when journey is performed by taking a single seat in a public conveyance, has been levied entitled to actual fare paid for a seat in a public conveyance plus incidentals admissible as for journey by rail or the lower rate of road mileage limited to rail mileage, whichever is less; and
- (ii) when journey is performed otherwise the higher 2 rate of road mileage, but limited to rail mileage will apply.

3. *Daily Allowance.*—(i) The non-official Members (other than members of Vidhan Sabha) will be entitled to daily allowance for each day of the meeting at the highest rate admissible to a Government servant of the First Grade for the respective locality.

(ii) The members of Vidhan Sabha will be entitled to a daily allowance for each day of the meeting except when the Vidhan Sabha or a Vidhan Sabha Committee on which the member is serving is in session, at the highest rate admissible to a Government servant of the First Grade for the respective locality.

In addition to the daily allowance for the day(s) of the meeting, a member shall also be entitled to full daily

allowance for the day preceding and/or the day following the meeting if:—

(i) he arrives in the forenoon of the day preceding the day of the meeting or on an earlier day; and/or

(ii) he departs at 12 noon or in the afternoon of the day following the day of the meeting or on a later day.

But he will be entitled to only half daily allowance for the day preceding and/or for the day following the meeting if:—

(a) he arrives at 12 noon or in the afternoon of the day preceding the day of the meeting; and/or

(b) he departs in the forenoon of the day following the day of the meeting.

4. Daily allowance will be subject to the usual conditions laid down in the Supplementary Rule 73, as amended from time to time.

5. *Conveyance allowance.*—A non-official member, resident at a place where the meeting of the committee is held will not be entitled to travelling and daily allowances on the scales indicated above, but will be allowed only the actual cost of conveyance hired subject to a maximum of Rs. 10 per day. Before the claim is actually paid the controlling officer should verify the claim and satisfy himself, after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed. In cases, he is not satisfied with the details, he may at his discretion, limit the conveyance allowance to road mileage.

If such a member uses his own car, he will be granted mileage allowance at the rates admissible to officials of First Grade subject to a maximum of Rs. 10 per day.

6. The travelling and daily allowances will be admissible to a member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey and halts from an other Government source.

7. The non-official members will be eligible for travelling allowance for the journeys actually performed in connection with the meetings of the Committee from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to the place other than the place of his permanent residence after the termination of the meeting, travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting, whichever is less.

8. The non-official members who are members of Vidhan Sabha, will not be entitled to daily allowance in connection with the assignment when the Vidhan Sabha or the Vidhan Sabha Committee on which the member is serving is in session, as they will be drawing their daily allowances under Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 from the Vidhan Sabha. However, if they certify that they were prevented from attending the session of the Houses of the Vidhan Sabha Committee and did not draw any daily allowance from the Vidhan Sabha, they would be entitled to daily allowance at the rate as prescribed.

9. The Provision of rule 224 of the C.T.R. will apply *mutatis mutandis* in the case of over-payment made on account of T.A. to non-official members.

10. Vidhan Sabha Members will also not draw T.A. and D.A. including conveyance which will disqualify them from the Vidhan Sabha.

भाग २—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों द्वारा ज़िला मंचिस्ट्रेटों द्वारा प्रधिसूचनाएँ
इत्यावि

४८४

अधिनियम, विधेयक और विधेयकों पर प्रवार समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश राज्यपाल, हिमाचल बंच आफ बेहली हाई कोर्ट, फाइनेंशल कमिशनर तथा कमिशनर आफ - हन्कम-टंकस द्वारा अधिसूचित आवेदन इत्याव

FOREST DEPARTMENT NOTIFICATION

Simla-4, the 29th November, 1968

No. Ft. 1061-12/67(M).—And of exercise of the powers conferred under section 32 of the Indian Forest Act, 1927 which has been applied to the land specified in the schedule appended to Himachal Pradesh Government notification No. Ft. 1061-12/67, dated 27-11-1968 and of all other powers enabling him in this behalf, the Lieutenant Governor of Himachal Pradesh is pleased to direct that the enclosed rules shall apply to the said land.

RULES

No person shall cut fell or lop any trees for any purpose whatsoever or remove any forest produce, provided that subject to rule below 3 the owners may fell and remove trees, timber and other forest produce for their own domestic and agricultural purposes, in accordance with there recorded rights.

2. Subject to the approval of the Divisional Forest Officer, Una Division the owners may sell trees provided that the trees have first been marked by the Divisional Forest Officer.

3. No living trees standing within 30 feet of the bank of any stream or torrent bed shall be felled for any purpose whatsoever.

4. No person shall herd, pasture, graze or retain sheep, goats, camels or other cattle on the land specified in the schedule annexed to Himachal Pradesh.

5. No person shall clear or break up land for cultivation or other purposes, provided that if in the opinion of the **Divisional Forest Officer, Una Division** the land is sufficiently protected from damage by flood and erosion, the owners may cultivate the land to the extent permitted by him.

6. No person shall cut or remove grass, provided that the owners may cut grass for their own use or allow its sale with the approval of and within the period allowed by the Divisional Forest Officer, Una Division, on the condition that grass is cut above ground with a *drati* only. (Date to be fixed to allow scattering of ripe grass seed).

7. No person shall set fire to grass, trees or timber, or kindle a fire on the land without taking reasonable precautions to prevent its spreading.

8. The quarrying of stone or the burning of lime at places where such stone or lime has not ordinarily been so quarried or burnt prior to the publication of the Himachal Pradesh Government Notification No. Ft. 1061-12/67, dated the 27-11-1968 shall be prohibited except with the permission of the Collector of the Kangra district who will consult the Divisional Forest Officer, Una Division, before according such permission.

9. Income from composition of offences against these rules under section 68 of the Indian Forest Act, 1927 shall be credited to Government provided that the Government may subject to appropriation made by law allow grant-in-aid to the owners to the extent of income derived from compounding of offences under these rules.

10. The owners shall appoint a *rakha* or *rakhas*, whose duty will be to enforce the provisions of these rules. The appointment and dismissal of *rakhas* will be subject to the approval of the Divisional Forest Officer, Una Forest Division.

By order,
BACHAN SINGH,
Secretary.

MEDICAL AND PUBLIC HEALTH DEPARTMENT NOTIFICATION

Simla-4, the 29th July, 1966

No. 2-43/65-Med. II (I).—In exercise of the powers vested in him vide section 10 of the Himachal Pradesh Anatomy Act, 1966 (Act No. 4 of 1966), the Administrator (Lieutenant Governor), is pleased to make the following Rules:—

1. These rules may be called the Himachal Pradesh Anatomy Rules, 1966.

2. In these Rules, the Act means the Himachal Pradesh Anatomy Act, 1966 (Act No. 4 of 1966).

3. (1) All officers and servants of Police, Medical and Public Health Department, all officers and servants in the service of the local authority and all village officers and servants who come to know of the death of any person in any public place in an area in which he had no permanent place of residence, shall report the fact to the authorised officer with the least practicable delay.

(2) Without prejudice to the generality of the foregoing provision, the responsibility for immediately reporting the fact to the authorised officer and also arranging the removal of the dead bodies to the hospital for preservation from decay shall be that of the officer incharge of the police station having jurisdiction over the area, or the village headman of the area, as the case may be.

(a) If any such person dies in hospital or in prison the authority incharge of such hospital or prison shall immediately report the fact to the nearest relative mentioned in the records of the patient or prisoner. If the said relative does not claim the body within 24 hours, in case where the relative is a resident out-side the district, the dead body shall be disposed off in the manner laid down in section 5 of the Act.

(b) Pending receipt of the claim, if any, in pursuance of clause (a) of this sub-rule, the dead body shall be removed to the mortuary of the hospital or the teaching medical Institution, as the case may be, for preservation from decay.

from decay.

(c) If such body is not claimed within the period specified in clause (a) of this sub-rule the authorised

officer shall proceed to dispose off the body in the manner laid down in section 5 of the Act.

4. The authorised officer for the purpose of deciding any doubt or dispute whether a person is or is not a near relative of the deceased for the purpose of section 3 of the Act shall hold a summary enquiry into the matter. Such officer need not record the oral evidence of witness but shall maintain a memorandum of evidence and a gist of the representation in the case on the basis of which he arrives at a decision.

5. Dead bodies which are received in the hospital under rule 3 of these rules shall be kept temporarily in the cold storage or mortuary, if available, until these are removed to the Anatomy Department. In the Anatomy Department they shall be washed and preserved by means

of formalin or glycerine solution. Dead bodies which are not required for immediate use, shall be kept in a tank containing preservation solution or in the cold storage, if available.

6. Nothing contained in these rules shall apply to cases where death has taken place under suspicious circumstances and the body is subject to medico-legal examination.

In such cases if the police have not taken possession of it themselves, the body shall be handed over to the police.

By order,
(MRS.) A. C. PARMAR,
Secretary.

भाग ४—स्थानीय स्वास्थ्य शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड पोर टाउन एरिया तथा पंचायत विभाग

LOCAL SELF GOVERNMENT DEPARTMENT NOTIFICATION

Simla-2, the 29th October, 1968

No. 1-5/68-LSG.—The following Bye-laws made by the Municipal Committee, Sultanpur (Kulu), in Kulu district, Himachal Pradesh, in exercise of powers conferred by sections 188 and 199 of the Punjab Municipal Act, 1911, as in force in the territories, transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, having been confirmed by the Administrator (Lieutenant Governor), Himachal Pradesh, as required under section 201 of the said Act, are published for general information and shall come into force within the limits of Municipality of Sultanpur (Kulu) from the date of this notification:—

BYE-LAWS FOR THE REGULATION OF ENCROACHMENTS

PART I—IMMOVABLE ENCROACHMENTS

1. The giving of permission by the Municipal Committee (hereinafter referred to as the 'Committee') under section 172 (1) of the Punjab Municipal Act, 1911 (hereinafter referred to as the 'Act') shall be regulated by the conditions provided in the bye-laws hereinafter.

2. Subject to the provisions of the bye-laws hereinafter permission under section 172(1) of the Act will be granted in respect of such encroachments only as are encroachments of necessity.

Note.—(1) Necessity for an encroachment at ground level can be established only if there is such a public drain outside the building that it is difficult to find access to the building in the absence of the proposed encroachment.

(2) The alternative of providing a crossing over the drain at the expense of the owner of the building will be considered before the proposed construction is allowed.

3. A step or steps to provide access to a building may be permitted if the plinth level of a building is more than one foot above the level of the street, at the roadside edge of the drain subject to the following conditions:—

- (1) the steps shall be supported by the brackets attached to the building to be of the cantilever type;
- (2) the steps shall not extend beyond the road-side edge of any drain below them, and shall not in any circumstance extend more than two feet from the face of the building;
- (3) the vertical distance between the lower side of the

lowest step and the street surface at the outer edge of the drain under it shall not be less than nine inches;

- (4) the distance between the external edge of the steps and the centre line of the street shall not be less than five feet in streets which have been declared by the Committee to be residential streets and eight feet in other streets;
- (5) the length of the steps shall be the minimum possible and shall not extend beyond the outer edges of the doorway in the case of residential building, by more than one foot on either side;
- (6) the steps shall be of such strong material that there will be no likelihood of their collapsing; and
- (7) the brackets shall not extend more than four inches below the underside of the steps nor project beyond it.

Note.—When the building is non-residential, no encroachment outside it will be allowed in such a manner that, the encroachment may be used except for the purposes of access to and exit from it.

4. A drain crossing may be permitted where access from a street to any premises is required for vehicles or otherwise subject to the following conditions:—

- (1) the crossing shall be so constructed as not to interfere with the water-way of the drain;
- (2) the length of the crossing shall be the minimum possible and shall not exceed eight feet when provided for vehicles and four feet in other cases;
- (3) the crossing shall be constructed so as to be removable;
- (4) the crossing shall be made of caste iron reticulated gratings granted or fabricated mild steel sections or mild steel chequered plates all suitably supported on caste iron or mild steel frame embedded in the concrete or brick work on the sides of the drain. Each section of the grating etc., shall be sufficiently light in weight so as to be removable by one sweeper;
- (5) the height from the bed of the drain to the lower side of the crossing shall be at least nine inches or the full height of the drain whichever is greater; provided that if the level of the premises to which access for vehicles is required is above the level of the road, any ramp required shall be constructed within the premises and shall not extend over the drain or on to the street, and provided further that if the drain over which the crossing is required happens to be shallow and

consequently the level of the crossing has to be raised to permit of a clear water-way as required under condition...

(i) a small ramp extending over the drain and on the street to the extent permitted by the Committee may be allowed.

5. A sun-shade may be permitted in the case of shops subject to the following conditions:—

(1) the sun-shade shall not project over a street to a distance which will make the clear space between the external edge of such sun-shade and the centre line of the street less than eight feet;

(2) the total width of the sun-shade projecting from the face of the building shall not in any case exceed three feet; and

(3) the sun-shade shall be at least fifteen feet high from the level of the street.

6. Every person intending to make, erect, or re-erect any immovable encroachment under section 172(1) shall apply to the Committee in Form 'A' appended to these bye-laws, and shall at the same time submit, in duplicate, on tracing cloth:—

(a) a site plan showing the boundaries of the building or buildings to which the encroachment is attached, the precise situation of the building or buildings concerned in relation to the streets, buildings or land adjoining it or them and the width of the adjoining streets for a distance of not less than one hundred feet or upto the end of the streets on all sides whichever is less;

(b) detailed drawings of the proposed encroachment showing its dimensions, the section of the street, the floor level of the building, and the drains if any;

(c) a specification describing the proposed encroachment in detail.

7. (1) The site plan shall be drawn to a scale of not less than one-eighth of inch to the foot. The scale used shall be marked on the plan, and the position of the north point shall also be indicated.

(2) The detailed drawings shall be drawn to a scale of not less than one-fourth of an inch to a foot and the scale used shall be marked on the plan.

(3) All plans shall be attested by the applicant and shall show:—

- (i) the names of the owners of adjoining buildings or lands, with the name of the lanes (koochas) and house numbers, if any,
- (ii) the proposed work by a distinctive colour,
- (iii) the materials proposed to be used,
- (iv) an index to the colour used, and
- (v) other details that will enable the Committee or its officers to decide the suitability of the proposal.

8. If the application is accepted, permission to make, erect or re-erect the encroachment shall be given in the Form of a licence in Form 'B' appended to these bye-laws.

9. A licence fee in the case of encroachment under bye-laws 3 or 5 shall be levied in accordance with the following scale, and shall be payable annually in advance:—

(a) For ground level At 4 % per annum of the encroachments value of the land encroachable or croached upon.

(b) For overhanging encroachments At 2½ % per annum of the value of the land encroached upon. e.g., chhajjas, sun-shades, etc.

10. Every licence granted under bye-laws 8 shall be held subject to the following conditions in other to such other conditions as the Committee may specially prescribe at the time of the grant of the licence:—

- (i) the licence shall not be transferable;
- (ii) the encroachment shall at all times be kept in a structurally stable and sanitary condition to the satisfaction of the Committee;
- (iii) the encroachment shall not be used for any purpose other than mentioned in the licence;
- (iv) the encroachment shall be open at all times to the inspection of any servant or servants of the Committee authorised in this behalf, and the licensee shall if so required, produce the licence for the inspection of such servant of the Committee;
- (v) the licence shall be stamped and registered at the expense of the licensee;
- (vi) the licensee shall have no right, title or interest in, on or over the land encroached upon;
- (vii) the licensee shall be liable to forfeiture if any of the conditions of the licence are not complied with.

11. The Committee may, be written notice require the licensee to remove the encroachment within a specified time not exceeding six weeks.

12. If any person erects an immovable encroachment without the previous permission of the Committee or in contravention of the terms of such permission and the Committee later on grants a licence in respect thereof the licensee shall pay licence fee, for the period previously expired at double the rate which may have been payable if the encroachment had been made with permission and from the date of such licence all the provisions relating to permitted encroachment shall apply.

PART II—MOVABLE ENCROACHMENTS OR OVERHANGING STRUCTURES

13. Any person intending to place in front of any building any immovable encroachment upon the ground level of any public street or over or on any sewer, drain or water course or any movable overhanging structure projecting into such public street at a point above the said ground level, sewer, drain or water course, shall apply for licence to the Secretary of the Municipal Committee in writing in Form 'C' attached to these bye-laws.

14. The applicant shall give the following particulars in his application:—

- (i) nature and detailed description with dimensions of the movable encroachment or overhanging structure intended to be placed or erected;
- (ii) the width of the public street at the point over which the movable encroachment or structure is to be placed or erected;
- (iii) in the case of a movable overhanging structure its height above the level of the public street;
- (iv) where the intention is to occupy a portion of a public street for setting up a stall or for spreading out grain or for placing any goods for sale or building materials or other articles, the dimensions of the portion of the public street to be so occupied.

Explanation.—Permission of such encroachments shall be granted as a matter of routine but it shall be given only for particular purposes on the occasion of certain festivals such as Diwali, Dussehra, Id, Moharram or the Christmas, or for storing materials for purpose of a building, and that only for a period not exceeding one month.

15. (a) On the acceptance of an application made to the Committee under the provision of bye-law 14, the Secretary shall issue to the applicant a licence in Form 'D' showing the nature and dimensions of the movable encroachment or overhanging structure or temporary occupation of the public street permitted.

(b) A licence fee in the case of an encroachment under bye-law 14 shall be levied in accordance with the following scale and shall be payable in advance.

16. Every licence issued under bye-law 16 shall be subject to the following conditions in addition to such other additions as the Committee may specially prescribe at the time of the grant of the licence:—

- (a) the dimensions of the movable encroachment or overhanging structure or the portion of the public street permitted to be temporarily occupied shall not exceed those entered in the licence;
- (b) every licence shall be revocable by a twelve hours' notice and on the receipt of such notice, the holder of the licence shall remove the movable encroachment or overhanging structure, or vacate the public street as the case may be provided that when the licence is revoked any excess fee realized shall be refunded;
- (c) the licence shall not be transferable;
- (d) every licence shall be for one month only and shall be renewable for subsequent month on payment of fee for each month in advance;
- (e) if the holder of a licence desires to retain his movable encroachment or overhanging structure or temporary occupation of public street after the period covered by the licence, he shall apply for its renewal, on payment of the prescribed fees on or before the date of its expiry; otherwise he shall return the expired licence within 3 days of its expiry, to the Secretary of the Committee and shall remove the encroachment or overhanging structure and vacate the public street before the end of the last day covered by it;
- (f) the person holding the licence shall be bound to show it to any municipal officer or servant authorised by the Committee in this behalf when called upon to do so;
- (g) any person not removing the encroachment or structure or not vacating the street on the expiry of the period of licence or on the receipt of a notice prescribed in clause (b) of this bye-law shall apart from any other penalty to which he may be liable be charged double the fee paid by him before;
- (h) overhanging sign-boards or ownings shall be set up at a height sufficient to allow free passage to loaded vehicles or animals of all sorts;
- (i) a sign-board shall be attached to the face of the building of the person permitted to display it in the public street and shall not be hung over the middle of the street;
- (j) at the time of passing of a procession all movable encroachments or overhanging structures shall be temporarily removed to allow free passage to such a procession;
- (k) the licence shall be liable to forfeiture if any of the conditions of the licence are not complied with.

PART III—GENERAL

17. Any person who commits a breach of these bye-laws shall, on conviction by a Magistrate, be punishable with a fine which may extend to fifty rupees and if the breach is a continuing breach, with a further fine which

may extend to five rupees for every day, after the first, during which the breach continues.

APPENDICES

(Bye-law 6)

(All entries on this side to be filled in by the applicant)
From

To

The Secretary,
Municipal Committee, Kulu,

I hereby apply under section 172 of the Punjab Municipal Act, 1911 for permission to erect/re-erect an immovable encroachment, as specified below, situated in(Attach the plans, drawings and specifications in duplicate as required by the Committee's Bye-laws).

Signature.....

Date..

Specifications:

FORM 'A'

(Reverse)

(All entries on this side to be filled in in Municipal office)

Serial No. of application.....
Name of applicant.....
Site of building (Name of street, quarter, etc.).....
Abstract of application.....
Received by Secretary on.....
(Signature of Secretary).....
Forwarded to..... for report on.....
(Signature of Secretary).....
Returned to Secretary on.....

(Signature)

Forwarded to the Municipal Engineer for report if the application is admissible under the rules and if it complies with bye-laws on.....

Signature of Secretary.....
Returned to Secretary on.....
Signature.....
Submitted to.....
(Signature of Secretary).....
Abstract of the orders of the Committee.....
Signature of Secretary.....

FORM 'B'

(Bye-law 8)

(Licence for an Immovable Encroachment)

STAMP WORTH TWO RUPEES
FIFTY PAISAS

This licence is granted by the Municipal Committee of

(hereinafter referred to as the 'Committee')

Owner/Occupier of.....
(hereinafter referred to as the 'licensee')

WHEREAS the licensee is the owner/occupier of..... which on the north/east/south/west is bounded by or adjacent to..... land owned or forming part of..... and WHEREAS the licensee has applied for permission under section 172 of the Punjab Municipal Act, 1911 to erect/re-erect an immovable encroachment as specified below:—

Specifications.

Now by virtue of the powers of the Committee under Bye-laws published with the Himachal Government notification No., dated the, made under section 188(u) of the said Act permission is hereby accorded subject to the conditions as follows, which have been accepted by the licensee:—

- (i) that the licensee shall remove the encroachment whenever required by the Committee;
- (ii) that the licensee shall pay in advance on the day of 19, and on the same date annually (so long as this licence may at the discretion of the Committee be renewed) the sum of Rs. (..... rupees) as licence fee;
- (iii) that no support or other portion of the encroachment shall rest on Government land;
- (iv) that the licensee shall pay the stamp duty and shall register the licence at his own expense.

AND the licensee agrees to register this licence at his own expense within from date thereof and shall have no right, title or interest in, on or over the said piece of land or street or in any structure or erection "placed therein, on or over" save during the term and subject of compliance with the conditions of this licence.

FORM 'C'

(Bye-law 14)

(All entries on this side to be filled in by the applicant)

From

.....
.....

To

The Secretary,
Municipal Committee,
.....

I hereby apply under section 173 of the Punjab Municipal Act, 1911 for permission to—

- (i) erect/re-erect movable—
 - (a) encroachment,
 - (b) overhanging structure,
- (ii) occupy a portion of public street, as specified below situated in.....

If the permission is granted I undertake to abide by the conditions therefor.

Signature.....

Dated

Specifications

Nature of movable encroachment.....

Detailed description with dimensions.....

Width of public street at the point over which encroachment is to be made or erected.....

(in the case of movable overhanging structure).

Height above the street level.....

FORM 'C'

(Reverse)

(All entries on this side to be filled in in the Municipal office)

Serial No. of application.....
 Name of applicant.....
 Site of building (Name of street, quarter, etc.).....
 Abstract of application.....
 Received by the Secretary on.....
 (Signature of Secretary).....
 Forwarded to..... for report on.....
 (Signature of Secretary).....
 Returned to Secretary on.....
 (Signature).....
 Office report of the application is admissible under rules and complies with bye-laws.....
 Submitted to.....
 (Signature of Secretary).....
 Abstract of order of the Committee.....
 (Signature of Secretary).....

FORM 'D'

(Bye-law 16)

Licence for Movable Encroachment

TWO RUPEES FIFTY PAISE
STAMP

This licence is granted by the Municipal Committee of to (hereinafter referred to as the 'Committee') Owner/Occupier of (hereinafter referred to as the 'licensee')

WHEREAS the licensee is the owner/occupier of which on the north/east/south/west is bounded by or adjacent to and owned or forming part of [insert details of particular permission applied for in terms of sub-clauses (a), (b), (c), (d) or (e) of section 173 of the Punjab Municipal Act as the case may be].

Now by virtue of powers of the Committee under Bye-laws published with Himachal Government notification No., dated the, made under section 188(u) of the said Act permission is hereby accorded subject to the conditions as follows which have been accepted by the licensee:—

- (i) that the licensee shall pay in advance on the of 19 and on the same date annually (so long as this licence may at the discretion of the Committee be renewed) the sum of Rs. (..... rupees) as licence fees;
- (ii) that no support or other portion or projection shall rest on Government land;
- (iv) that the licensee shall pay the stamp duty and shall register this licence at his own expense.

AND the licensee agrees to register this licence at his own expense within from date thereof and shall have no right, title or interest in, on or over the said piece of land or street or in any structure or erection "placed therein—on or over" save during the term and subject to compliance with the conditions of this licence.

By order,

JOSEPH DINA NATH,
Under Secretary.

भाग ५—वैयक्तिक अधिसूचनाएं और विज्ञापन

ब अदालत श्री राम पाल सिंह, पी० सी० एस०, सीनियर सब-जज
महासू, कलैस्टन, शिमला-१
मुकदमा नम्बर १२/२, बाबत साल १९६६
श्री हीरा सिंह पुत्र तोता राम, वासी पगोग, परगना पगोगी,
तहसील कसुम्पटी, ज़िला महासू (प्रार्थी)।
बनाम

सर्व श्री १. पूरन सिंह, पुत्र तोता राम, २. देवी सिंह पुत्र तोता राम,
३. ध्यान सिंह पुत्र तोता राम, ४. जय सिंह पुत्र तोता राम,
५. श्रीमती सरजू पत्नी प्रेम चन्द, वासी नावडा, तहसील कण्डाघाट,
ज़िला शिमला, ६. कुमारी शान्ती, ७. कुमारी सत्या देवी पुत्री तोता
राम, वासी पगोग, परगना पगोगी, तहसील कसुम्पटी, ज़िला महासू
(उत्तरदाईगण)।

दरखास्त बराय प्राप्त करने सक्सैशन सर्टिफिकेट

बनाम आम जनता।

हरगाह जो कि श्री हीरा सिंह पुत्र तोता राम, वासी पगोग,
परगना पगोगी, तहसील कसुम्पटी, ने दरखास्त हसूल सर्टिफिकेट
जानशीनी जेर दफा ३७२ इंडियन सक्सैशन ऐक्ट बाबत जायदाद
श्री तोता राम मतवप्फी, वासी पगोग, परगना पगोगी, तहसील कसुम्पटी
पेश की जो २५-६-१९६६ को दर्ज रजिस्टर हुई लिहाजा बनावर
आगाही बरादरान व करावतदारान मतवप्फी इश्तहार हजा जारी किया
जाता है कि जिस शब्द को दरखास्त मज्कूर के बारे कोई उजर
हो तो वह किबल अज मिति १६-१२-१९६६ को हाजिर अदालत हो
कर अपना उजर पेश करे वरना कोई उजर बाद तारीख मज्कूरा
समाप्त न होगा।

आज मिति २२-११-१९६६ को मेरे दस्तखत व मोहर अदालत
से जारी किया गया।

(मोहर)

राम पाल सिंह,
सीनियर सब-जज।

ब अदालत श्री राम पाल सिंह, पी० सी० एस०, सीनियर सब-जज
महासू, कलैस्टन, शिमला-१

मुकदमा नम्बर १५/२, बाबत साल १९६६
श्रीमती लच्छमू देवी वेवा कंू, वासी बड़ाल, परगना बड़ाल,
तहसील जुब्बल, ज़िला महासू (सायला)।
बनाम

आम जनता।

Application on behalf of Smt. Lachhmu Devi wd/o
Kanu, r/o village Badal, Pargana Badal, Tehsil Jubbal,
District Mahasu u/s 8 of the Hindu Minority and
Guardianship Act, 1956 for grant of permission to
sell the property of Shri Padam Singh s/o Kanu.

उपरोक्त दरखास्त श्रीमती लच्छमू देवी सायला ने अदालत

हजा में पेश की है कि नाबालगान सर्वश्री दुरगू व गोपी, वासी बड़ाल,
परगना बड़ाल, तहसील जुब्बल, ज़िला महासू की जायदाद गैरमनकूला
बेचने की आज्ञा दी जाये अतः इस घोषणा-पत्र द्वारा सब जनता को
सूचित किया जाता है कि यदि किसी को दरखास्त की मन्जूरी बारे
कोई उजर हो तो वह अदालत हजा में उपस्थित हो कर मिति
११-१२-१९६६ को अपना उजर पेश करे अन्यथा दरखास्त के
मुतल्क कानूनी फैसला किया जावेगा।

आज मिति २६-११-१९६६ को मेरे हस्ताक्षर व मोहर अदालत
से जारी किया गया।

राम पाल सिंह,
सीनियर सब-जज।

ब अदालत श्री हरबन्स सिंह नेगी, एसिस्टेंट कलैक्टर फस्ट ग्रेड
सोलन, ज़िला महासू

सर्वश्री चन्द्र सिंह, भगवान सिंह इत्यादि, निवासी बसाल, तहसील
सोलन (सायलान)।

बनाम

श्रीमती गुलाब देवी जौजा चैन सिंह, सकना डौलग, तहसील
कण्डाघाट, श्रीमती विद्या देवी जौजा नारायण सिंह, सकना सेहोला,
परगना टकरोली, तहसील सोलन इत्यादि (मस्यूलान)।

दरखास्त फक्कुल रहन नम्बर २ साल १९६६
दरखास्त जेर दफा ४, पंजाब रिडैम्पशन आफ मौर्टगेजिज ऐक्ट

हरगाह मुकदमा मुन्दर्जा उनवान बाला में अदालत हजा से कई
बार समन बराय हाजरी मस्यूलान मुसम्मात गुलाब देवी, विद्या देवी
व श्री डांगी जारी किए गए परन्तु तामील न हो सकी। अतः इन
मस्यूलान की तामील आसान तरीके से नहीं हो सकती। लिहाजा
गुलाब देवी जौजा चैन सिंह, सकना डौलग, परगना भरोली खुदं,
तहसील कण्डाघाट, मुसम्मात विद्या देवी जौजा नारायण सिंह सकना
सेहोला, परगना टकरोली, तहसील सोलन व श्री डांगी पुत्र साहिबू
सकना बसाल, तहसील सोलन मस्यूलान को बजरिया इश्तहार जेर
आई ५, रुल २० जाब्ता दीवानी इत्तला दी जाती है कि मिति
१३-१२-१९६६ को सुबह १० बजे अदालत हजा में हाजिर आकर
पैरवी मुकदमा करें बसूरत दिगर आप के खिलाफ कार्यवाही यक्तरफा
अमल में लाई जावेगी।

आज बतारीख २०-११-१९६६ को दस्तखत मेरे व मोहर अदालत
से जारी हुआ।

हरबन्स सिंह नेगी,
एसिस्टेंट कलैक्टर फस्ट ग्रेड।

भाग ७—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

ELECTION DEPARTMENT NOTIFICATION

Simla-2, the 29th November, 1968

No. 4-14/68-Elec.—The Election Commission of India's notification No. 82/13 of 1967/HP/63, dated the 19th September, 1968, is hereby published for general information.

By order,

D. B. LAL,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA NOTIFICATION

New-Delhi-1, Talkatora Road, the 10th September, 1968/
Bhadra 19, 1890 (Saka)

No. 82/13 of 1967/HP/68.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 16th July, 1968 by the High Court of Delhi, Himachal Pradesh, Simla in C.O.P. (Election) No. 13 of 1967.

IN THE HIGH COURT OF DELHI, HIMACHAL BENCH, SIMLA-1

C.O.P. (ELECTION) No. 13 OF 1967 FROM ORIGINAL

Date of decision 16-7-1968

Shri Gajo by Mr. M. R. Gupta, Advocate.

Versus

(1) Ram Chand, (2) Daulat Ram, (3) Siri Ram by
M/s H. S. Thakur, Chhabildas, S. Malhotra, Advocates
respectively.

For approval and signature:

The Hon'ble Mr. Justice S. K. Kapur.

The Hon'ble Mr. Justice

- | | |
|--|------|
| 1. Whether Reporters of local paper may be allowed to see the Judgement? | Yes. |
| 2. To be referred to the Reporter or not? | Yes. |
| 3. Whether their Lordships wish to see the fair copy of the Judgement? Coram | |

S. K. KAPUR, J.

This is an Election Petition challenging the election of Ram Chand first respondent, a nominee of the Swatantra Party, from Bharmour No. 48 constituency to the Legislative Assembly of Himachal Pradesh. Notification calling upon the voters of the constituency to elect their representatives to the Legislative Assembly was issued on January 13, 1967. The last date for filing of the nomination paper was January 20, 1967 and the scrutiny of the nomination papers took place on January 21, 1967. January 23, 1967, was the last date for withdrawal of the nomination papers. Polling took place in Pangi and Lahaul areas on 28th May, 1967, while in Bharmour area on 31st May, 1967. The result of the election was declared on June 3, 1967, and the votes obtained by the respondents were as under:—

Ram Chand (Respondent No. 1) ..	3,661
Siri Ram (Respondent No. 3) ..	3,563
Daulat Ram (Respondent No. 2) ..	2,339

It would thus appear that the elected candidate Ram Chand secured majority of 98 votes over Siri Ram. The constituency is reserved for the Scheduled Tribes. The list of Scheduled Tribes has been prescribed in the Constitution (Scheduled Tribes) (Union Territories) Order,

1951, and one of such Scheduled Tribes in Lahaul and Spiti district is "Pangwala". The petitioner is a voter in the said constituency and he filed the present petition challenging the election of Ram Chand. Siri Ram the third respondent appeared as P.W. 12 and admitted that the petition had been filed at his instance as he could not file the same in time due to illness. I will have an occasion to refer to his evidence against at a later stage.

The case of the petitioner broadly is that Daulat Ram (respondent No. 2) not being a member of "Pangwala" tribe, was not entitled to contest the election from the constituency reserved for the Scheduled Tribes and therefore, his nomination papers had been unproperly accepted. This allegation was disputed by the returned candidate and on the pleadings of the parties the following issues were framed:—

1. Whether no objection was raised before the Returning Officer to the acceptance of the nomination paper of respondent No. 2?
2. On proof of issue No. 1, whether the present petition is not maintainable?
3. Whether respondent No. 2 does not belong to a Scheduled Tribe?
4. On proof of issue No. 3, whether the result of the election in so far as respondent No. 1 is concerned has been materially affected by the improper acceptance of the nomination paper of respondent No. 2?
5. Relief."

It is convenient to dispose of the first two issues straightaway.

Siri Ram, respondent No. 2 (P.W. 12) said that he came to know that Daulat Ram was not a Pangwala after the scrutiny of the nomination papers and if he had known this fact at the time of the scrutiny, he would have objected to the acceptance of the nomination paper of Daulat Ram. Daulat Ram also appeared as a witness (R.W. 2/1) and admitted that Siri Ram and Ram Chand were though present before the Returning Officer at the time of the scrutiny of his nomination paper did not raise any objection. There has been, in fact, no controversy at the bar that all the candidates were present at the time of scrutiny of the nomination papers and none of them raised any objection to the acceptance of Daulat Ram's nomination paper. It is on this that the first respondent, Ram Chand, raised an objection that "the petitioner and respondent No. 3 are, however, estopped to raise this objection at this stage when they failed to raise any objection before the Returning Officer at the time of scrutiny of the nomination papers". This contention of Ram Chand has no merit. Even if the third respondent, Siri Ram did not raise any objection against the acceptance of Daulat Ram's nomination paper that cannot estop the petitioner. That apart, Siri Ram has, as I have mentioned already, stated that at the time of the scrutiny of the nomination papers he did not know that Daulat Ram was not a Pangwala. There is no reason to disbelieve this statement and estoppel can only arise if Siri Ram failed to raise objection in spite of full knowledge of the facts. As to the estoppel against the petitioner on account of the conduct of Siri Ram, Mr. Thakur, the learned counsel for the first respondent, contended that admittedly the petition had been filed at the instance of Siri Ram and therefore, the petitioner must be held bound by Siri Ram's failure to raise the objection. Law gives right to every voter to challenge the election in his own right and the petitioner cannot be held estopped from enforcing this statutory right merely because he filed the

petition at the instance of Siri Ram. The two main questions that require determination in this case, therefore, are—

- (i) whether the nomination paper of Daulat Ram had been improperly accepted; and
- (ii) if so, did that improper acceptance materially affect the result of the election?

Section 100(1)(d) of the Representation of the People Act, 1951, prescribed that the High Court shall declare the election of a returned candidate to be void if "the result of the election, in so far as it concerns a returned candidate, has been materially affected by the improper acceptance of any nomination". The burden lay on the petitioner to prove both the issues. There has been a considerable controversy at the bar as to the extent of burden that the petitioner is expected to bear. The learned counsel for the petitioner suggested that the burden is the same as in any other civil case and the matter should be decided on the probable deductions from balance of evidence while the learned counsel for the returned candidate said that the burden is as heavy as in a criminal case. I am really not called upon to answer that question as, in my opinion the result remains the same whether the matter is judged from one stand-point of view or the other.

That takes me to the evidence on record. There is no definition either in the Constitution or anywhere else as to what a Scheduled Tribe is? Even historical material is lacking on the subject. Article 366, clause (25), defines "Scheduled Tribes" to mean "such tribes or tribal communities or parts of or groups within such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution". Article 342 *inter alia* prescribes that the President may with respect to any Union territory by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of the Constitution be deemed to be Scheduled Tribes in relation to that Union territory, and the prescription as mentioned above was made in the Presidential Order in pursuance of this Article. Mr. M. R. Gupta, the learned counsel for the petitioner, relied on—

- (1) a Book, Exhibit P. W. 6/1;
- (2) Punjab States Gazetteer, Volume XXII-A, Chamba State, 1904;
- (3) A Glossary of the Tribes and Caste of the Punjab and North-West Frontier Province, Volume III; and
- (4) Census of India 1961 by R. C. Pal Singh.

The Book in Hindi (Exhibit P.W. 6/1) is written by Dharam Dev Shastri and Rattan Chand Rojhey (P.W. 6) said that "when Dharam Dev Shastri went to Pangi to gather material for this book, I accompanied him. Most of his publication was written by me although it was published in the name of Dharam Dev Shastri". I shall refer to his oral evidence later at its appropriate place. This book nowhere says who 'Pangwalas' are? At page 77 of this book it is stated that in Pangi there exist the following castes:—

"Brahman, Rajput, Thakur, Rathi, Hali, Lohar-Megh, Daki".

The other passages relied upon by the learned counsel for the petitioner are—

- (1) P. 77—Saptapadi rite is not observed at the time of marriage.
- (2) P. 78 Women folk are very badly treated. They do all the work while men always remain busy with drinking and dancing. Women do all the house-hold work and tilling work in

their lands.

(3) P. 80 Whatever foodgrains the residents of Pangi produce hardly last for about six months. The residents of Pangi, therefore, do not get enough to eat and of necessity are driven to get straw ground with the grains for eating.

(4) PS. 85-86. Marriages amongst Pangwalas are of three types—

- (a) *Batta*.—A person marries a girl in exchange for the marriage of his sister or daughter in the girl's family.
- (b) *Sapt Varshik Shram Vivah*.—The bride-groom is able to marry a girl only after serving in her family for about seven years.
- (c) *Balat Haran Vivah*.—The bride-groom and his companions forcibly carry the girl and subsequently he presents a goat and liquor to the bride's father and tenders apology which is granted.

(5) P. 86 There are four ceremonies in connection with the marriage known as 'Pilam, Pakki, Chhakki, and Shadi'.

(6) P. 89 Pangi women prefer to marry outsiders and go out of Pangi but Pangi men do not like it.

Punjab States Gazetteer, Volume XXII-A, at page 130 gives the details as to tribes and castes among Pangwalas at the census periods, both in the whole State, and in each separate Wizarat. At page 156 it is stated—

"The Pangwalas are the inhabitants of Pangi in the Pangi Wizarat of the State.

The generic name includes the following high castes:—
Brahmans, Rajputs, Thakurs, and Rathis; and the following low castes:—

Halis, Lohars, Meghs and Dakis. There are also a few Tibetans in Pangi, who are called Bhots. The high castes have no restriction either on food or marriage among themselves, but they do not eat or inter-marry with the low castes, nor with the Bhots.

The family traditions of the Pangwala point to their having emigrated from various parts of the hills, some from the lower Chenab and the Ravi village, other from Lahaul and Kulu.

Among the high castes marriage is prohibited between kinsmen within "five degrees on the mother's and ten degrees on the father's side".

The observances at betrothal are simple. The boy's father, accompanied by a friend, goes to the bride's house and opens negotiations. If the parents consent, the boy's father presents the girl's father with a rupee, and observance called *phakhi diti*, i.e. 'has given assent'. The boy's father must go to the girl's house again within a year to confirm the alliance, and this is called *chak khani* literally 'to eat food'. The boy and a friend accompany him and the boy presents the girl with a pair of ear-rings (balu) and bracelets (kangan) collectively called *bandha*. This observance is called *bandha dena*. To the girl's father he gives Rs. 12, called *sidiali* and to her mother Rs. 3, called *guami* or *thilaul*. *Luchis* (cakes wrapped in birch bark) are then distributed to all present, which makes the betrothal binding. If the boy annuls it, he must pay Rs. 6 or more for the girl's men or consent: whereas if the girl annuls it, the boy or his guardian, if he is a minor, can claim unlimited damages. Betrothal may be at any age. "Two forms of marriage are in vogue. The superior form is called *Janji* or *jani*, and is carried out as follows in such *pargana* and as far up as *Tindi*":—

It is not necessary to ascertain a propitious day for the wedding as it is usual for the boy to go to the girl's house on a Sunday, Tuesday or Thursday; and to bring the bride home on a Monday, Wednesday or Friday. Baisakh, Har, Kati, Maghair, Magh and Phagan are auspicious months for marriage. Having secured the girl's father's assent the boys' maternal uncle again goes to the girls' house to get a day fixed for the wedding (*shadi*), and on that day the wedding party goes to the girl's house, where all are assembled in one room, the bride and the bridegroom being seated next each other, with their maternal uncles at their sides. The girl's maternal uncle then mixes *sattoo* (grain parched and ground) in water. He next makes seven or more *totus* or cones, about a cubit high, out of the *sattu*, rubs butter on them and sticks a flower in each. Then he puts burning charcoal and *dhup* (incense) in a *dhunch* (censer) and lights a lamp, carrying the *dhunch* in his left hand he takes a little off the top of a *totu* with his right and touches with it the back of the fire-place to the east, also the sides of the room, to the east, south, west and north, in that order, and the top of the door frame. The girl's maternal uncle then sits down, placing the censer on the ground, while the bride's mother collects the *totus* and putting them in a vessel makes as many small flat balls (each with a little hollow on the top) as there are people present. If necessary she can add more *sattu*. These balls are given to the guests one by one; her husband pouring a little *ghi* into the hollows as she does so. Those for the bridal pair are given first by the girl's maternal uncle, and he fixes them on the tips of the fingers of both his hands, crosses his hands and approaches the pair. Whichever first picks and tastes one of the balls, is regarded as the cleverer of the pair. A feast with singing and dancing follows.

Next morning the girl's relations present her with jewelry, utensils, etc., a *swaj* or *dowry*. The couple then throw incense into the *dhunch*, prostrate themselves at their parents feet, the girl doing so first. This is called *pair bandan*. The wedding procession then returns to the boy's home, the boy being carried on the back of the girl's uncle, and *vice versa*, at the end of the journey to the entrance, where they alight and walk in. At the door the *warna* ceremony is performed by the boy's mother passing a sheep three times round their heads. As soon as the couple have crossed the threshold the marriage is complete. But the *totu* observance is again gone through the boy's parents now officiating. A feast is given and another on the following day. The *tambol* or wedding presents are presented to the bridegroom and the lag, Rs. 12 or more, payable to the girl's father, maternal uncle and own brother if not already presented, it taken and next day the guests disperse. Within a month a *phiranni* ceremony takes place. The bride accompanied by her husband goes to her parents' house, taking with them a small present and after remaining a few days they return to their own home.

The bride is often taken home by her husband after betrothal, without any marriage ceremony. The bridegroom comes to the bride's house and after arranging the matter with the parents, or even without their consent, takes away his wife to his own home. In all such cases the wife, if of age, is of course a consenting party; and if a child, the consent of the parents is essential. A *jani* is usually held in the bridegroom's house a short time afterwards and *tambol* is given by his friends but the bride's

friends are not present. This custom is now regarded with disfavour, but is still very common in Pangi."

At page 158 it is stated—

"All legitimate sons succeed equally, but bastards (hallar) have no right of inheritance. Adoption is recognised, and there are no formalities, nor apparently any restrictions, but the presence of a few respectable men as witnesses is required."

This Gazetteer also does not very much assist in finding out who Pangwals are except that it says that Pangwals are the inhabitants of Pangi.

More or less similar are the statements found in Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province Volume III, at page 196. According to this book also "an inhabitant of Pangi in the Pangi wizarat of the Chamba State" is a Pangwal.

In Census of India 1961, Volume XX, Part VI (Exhibit R-1) at page 4, the following three unconfirmed versions have been stated giving a faint idea of the origin of Pangwals—

- (1) In the olden days Pangi was considered "because of the difficult terrain" as the best place for sending criminals condemned to lifelong sentences and those criminal married and settled there permanently and their children and grand children came to be collectively known as Pangwals.
- (2) The settlers of Lahaul and Lower Chenab faced with difficulties because of heavy pressure on land and pastures migrated to Pangi which had plenty of both good land and green pastures and their descendants came to be known as Pangwals.
- (3) Certain Rajput nobles apprehending prosecution at the hands of the Moghuls decided to send their families to a safer place beyond the reach of the attacking army of the Moghul Empire. Besides this they also thought that once they were free from the worry of looking after their families they would be able to give better fight to the Muslim invaders. They, therefore, sent Rajput ladies and their children to Pangi. The Rajput nobles left behind died in the battle, could not return to join their families at Pangi and consequently the ladies married their servants and soldiers. The Pangwals are, according to this historical theory, the direct descendants of those Rajput families.

This theory it is said derives support from the fact that even today there are a number of Rajputs of Chandarbansi, Surej bansi and Thakur gouras among the Pangwals.

In Census of India 1961, Volume XX, Part V-A, at page 229, one finds the following statement:—

"Scheduled Tribes may belong to any religion".

Report of the Scheduled Areas and Scheduled Tribes Commission 1960-61, Volume I, also says that the term 'Tribe' is nowhere defined in the Constitution and there is no satisfactory definition anywhere. To the ordinary man the word suggests simple folk living in hills and forests, to people who are a little better informed, it signifies colourful folk famous for their dance and song: to an administrator it means a group of citizens who are the special responsibility of the President of India; to an anthropologist it indicates a special field for study of a social phenomenon. It is further stated that "the more important thing, however, is what his own society signifies to member of the Scheduled Tribes".

From the various reports it is difficult to clearly discern as to what Pangwala means. Oral evidence has also been led in this behalf and I shall now proceed to sum up the same.

Inder Singh (P.W. 3) stated that Daulat Ram

(Respondent No. 2) has married the daughter of Hari Ram Mahajan; that the marriage was celebrated according to "Sanatan" rites prevalent in Chamba town; that no Pangwala rites were observed in this marriage; that the member of the family of Daulat Ram are known as Mahajans and not as Pangwalas; that their dealings and customs are those of Mahajans in Chamba; that mother-in-law of Daulat Ram belongs to a Mahajan family; that one sister of Daulat Ram is married in Nurpur, District Kangra, and the other in a Mahajan family of Jammu; that three of Daulat Ram's married sons have also married Mahajan girls; that he stayed in Pangi from 1957 to 1961 but did not see Daulat Ram there; that he, however, saw his son Davinder Raj Gupta in Pangi; that ceremonies observed in marriages in Chamba and in Pangi are different and there are no *purohits* in marriages in Pangal families; that "according to me, those persons who have been resident, in Pangi for generations and who have dealings with each other are Pangwalas" that Pangwalas are agriculturists and shepherds; that there is a lot of difference in the way of life and food habits of the people in Chamba; that the family of Daulat Ram have shops, land and houses in Pangi and they trade there but their real residence is in Chamba; that they visit Pangi for purposes of trade and for looking after their lands there; that "I have heard that the mother of respondent No. 2 was a Pangi woman", that "I do not know whether the grandmother of respondent No. 2 was a Pangwali"; and that "many girls from Pangi have married into families outside Pangi but no girl outside Pangi has married into a Pangi family". Sukh Dev (P.W. 4) is a relation of Daulat Ram as the latter's son is married to the sister of the witness's wife. He spoke about the marriage of Davinder Raj Gupta son of Daulat Ram having been celebrated according to "Sanatan Dharam" rites. He also stated about the marriages of the sisters of Daulat Ram in Mahajan families. He further stated that Daulat Ram and his family called them Mahajans of Chamba and not Pangwalas; that during his stay in Pangi from 1962 to 1965 he did not see Daulat Ram in Pangi; and that "the people of Pangi called respondent No. 2 and his family as "Babu" and they are not treated as Pangwalas". The witness, however, admitted that Daulat Ram has a shop, a house and lands in Pangi and his son Satinder Raj has also land in Pangi. He also admitted that between 1962 and 1965 Davinder Raj and Satinder Raj, two of the sons of Daulat Ram were in Pangi but were treated just like other Government employees. The witness also give the description of the ceremonies at the times of marriages and deaths in Pangi area. Paras Ram (P.W. 5) also knows the family of Daulat Ram. He said that Daulat Ram's father Charan Das had gone to Chamba from Nurpur; that he has a house and shops in Chamba; that Charan Das used to carry on business in Pangi also and always stayed in Pangi during summer for about seven months; that Daulat Ram's family is known as Mahajans and Guptas and they are not called Pangwa'as; and that Daulat Ram's family does not observe any Pangwala custom. According to this witness "Pangwalas are those who are hereditary residents of Pangi". In cross-examination he admitted that he had never been to Pangi; that he did not know whether Charan Das's father was living in Pangi; and that mother of respondent No. 2 was a Pangwali. Rattan Chand R. Jhey (P.W. 6) had been working for tribal welfare in Himachal Pradesh for about 14 years and according to him a Pangwala is a person whose ancestors up to four degrees have lived in Pangi and have followed the customs of Pangwalas regarding deaths and marriages. According to this witness, there are no Mahajans among Pangwalas. The witness

also gave description of the marriage ceremonies observed among Pangwalas and their food habits. He is the witness who assisted Dharam Dev Shastri in collecting information for the book, Exhibit P.W. 6/1, to which I have already made a detailed reference. The witness admitted that "a man from Pangi will remain in Pangwala even if he becomes literate or changes his mode of dress or marries in the plains. He remains a Pangwala even though he does not perform his marriage according to the customs of Pangwalas. Likewise, such a person remains a Pangwala even though he does not perform the funeral ceremonies in the plains according to the Pangwala customs. Basant Ram (P.W. 7) hails from Kinnaur and he said that there are Suds and Mahajans whose families had been residing in Kinnaur for more than a century for their trade but still they are not treated as Kinnaura or belonging to a Scheduled Tribes. The witness said "Only those who have been domiciled in Kinnaur for centuries and follow the customs of that place are taken to be *Adibasis* of Kinnaur. Even if a Sud or Mahajan marries a woman of Kinnaur, they are not treated as Kinnauras". The witness had been a member of the Congress since 1952. He also gave description of the marriage ceremonies among the Scheduled Tribes. Devi Saran (P.W. 8) proved documents, Exhibits P.W. 8/1 to P.W. 8/3, according to which persons who are not residents of Pangi get hundred per cent of their salary as compensatory allowance subject to a maximum of Rs. 200. Balendu Sharma (P. W. 9) produced the record of Government College Chamba, relating to Narendra Raj Gupta son of Daulat Ram and proved documents, Exhibits P.W. 9/1 to P.W. 9/4, the college admission forms of Narendra Raj Gupta submitted in the year 1962 to 1965 where in his home address is given as "Chamba." Exhibit P.W. 9/4 is also signed by Daulat Ram. One of the columns in the forms contains a question whether or not the person belongs to a Scheduled Caste and the answer given is "No". The learned counsel for the petitioner placed some reliance on this statement but the explanation, which, in my opinion, is right, tendered by the learned counsel for the returned candidate was that the query was confined to the membership of a Scheduled Caste. Janki Nath Hastu (P.W. 10), Headmaster, Government High School, Kilar, Pangi, produced the record of his school relating to Satindra Raj Gupta, another son of Daulat Ram. He stated that Satindra Raj Gupta was a drawing master in his school and was treated as a teacher not belonging to Pangi for the purpose of payment of compensatory allowance. According to this witness Satindra Raj Gupta was "being paid 100 per cent compensatory allowance as against 50 per cent to the residents of Pangi". Malbar (P.W. 11) is a Pangwal. He said "A Pangwala is a person whose fore-fathers had been residing in Pangi and who is born and bred in Pangi and whose occupation is agriculture, breeding sheeps and goats and who also eats grass and weaves clothes for himself". According to this witness, no Mahajan or Gupta is a Pangwala. He also spoke about the types of marriages in Pangwala families. He further stated that Daulat Ram's father, however, had kept a Pangwala lady. He was not married to her. He took that lady to Chamba. Charan Dass was first employed in a company in Pangi and thereafter he opened a shop there"; that Charan Dass himself resided in Chamba but used to pay visits to Pangi during summer; that Daulat Ram was a member of the Legislative Assembly; that neither Daulat Ram nor his father ever resided permanently in Pangi; that Daulat Ram cultivates his land in Pangi through employees who are Pangwalas; that people of Pangi do not treat him as Pangwala; and that Daulat Ram was born from a Pangwala lady who stayed with Charan

Das throughout her life for a period of about 40 to 50 years. In cross examination he admitted that most of the educated Pangwalas had gone away from Pangi and had married out of the Pangwala Tribe; that if a person marries a girl outside Pangwala Tribes he would not be expelled therefrom; that if a Pangwala marries according to non-Pangwala rites he would still be a Pangwala; and that "it will be descendants in the third or fourth generation of such outsider if they all stay in Pangi that they will be treated as Pangwalas". Siri Ram (P.W. 12) was one of the defeated candidates stated that if Daulat Ram had not contested the election he would have got at least 1,500 votes out of the votes cast in favour of Daulat Ram and that residents of Pangi are more inclined in favour of the Congress. According to him "Pangwala is a person who himself and whose ancestors had been residing in Pangi permanently". This witness, however, had never been to Pangi.

Bir Chand (P.W. 3/1) is a resident of village Chasag in Pangi. One of the question put to him: For which candidate did you vote at the last General Elections", and he said "I voted for Daulat Ram, respondent No. 2". In cross-examination he admitted—

"I know if I have to vote for Congress candidate, I should mark the ballot-paper against the symbol of the pair of bullocks with a yoke on. When I went to cast my vote, I had gone there to vote for the Congress. I had marked the ballot paper against the symbol of the pair of bullocks".

This statement was recorded under an agreement between the learned counsel for the parties that it will be let in evidence only after the decision of the question whether the statement was admissible in view of section 94 of the Representation of the People Act, 1951. The contention of the learned counsel for respondent No. 3 was that such a statement could be admitted in evidence as the witness has not been compelled to violate the secrecy of ballot, while, according to the learned counsel for the first respondent, the witness could not be required to answer that question and, therefore, even such voluminous statement had to be excluded from evidence. I, however, do not propose to decide this question as in the view that I am taking these statements have not bearing. Bir Chand witness admitted that he had been convicted for kidnapping a woman. Chani Lal (R.W. 3/2) stated that Daulat Ram got a large number of votes from his village because he had been a Congress worker and a member of the Legislative Assembly and if Daulat Ram had not contested the election, he would have voted for the Congress. Manak Chand (R.W. 3/3) worked for the Congress during election in Pangi area. He said that if Daulat Ram had not contested the election those votes would have gone to the Congress. In an answer to a question by the Court he said:—

"I heard from the public that the workers of Daulat Ram were carrying on propaganda asking people to vote for him as he was a Congress worker. No body said that in my presence. I visited Saichu and Purthi villages during my stay in Pangi. I met Bir Chand and Chain Lal (R. W. 3/1 and R.W. 3/2 respectively). I told these witnesses to vote for the Congress and also informed them about the Congress symbol. I told them that the Congress symbol was a pair of bullocks with a yoke.".

It may be pointed out that Chani Lal (R.W. 3/2) in his statement had stated that he did not know as to what was the Congress symbol and he thought that the Congress symbol was "the sun". Bir Chand however, admitted that Manak Chand had visited his village and asked the residents to vote for the Congress but did not disclose the name of the Congress candidate.

Daulat Ram appeared as his own witness (R.W. 2/1) and stated that his grandfather Krishan Dayal was settled in Pangi and used to run a shop of general merchandise there; that Maharaja Sham Singh, the ruler of Chamba, granted a *patta* of land in favour of his grandfather; that his grandfather had only one wife and she was from Pangi; that his father was born in Pangi; that he was also born in Pangi on August 12, 1912; that the shop started by his grandfather was still running; that he did not look after the shop after 1940; that in Pangi there are Pangwalas who belong to Brahmin, Rajput and Hali castes; that an inhabitant of Pangi is a Pangwala and his being a Pangwala does not depend on the caste; that "I have been going to Pangi and I still have the intention to go back and settle there. I shall do that when I am sixty. I have an ancestral house there and my son stays permanently there. He has been staying in that house for the last 8 or 10 years because he is in service there..... My mother was born in Pangi and my father married her in Pangi.... Chamba is known for composition of folk songs and so is Pangi. There are a number of folk songs about me in Pangi. The folk song about me have appeared in Chamba Gazetteer"; that "I consider myself Pangwala and so do the people of that area. I have all social contacts with Pangwalas" that Pangwalas have different way of eating and his family follows that; that "I consider Pangi as my residential home"; that "my forefathers had shifted to Pangi for settling there permanently and had not gone there only for business. We own no property at Nurpur.... Exhibit R.W. 2/1-A to R.W. 2/1-C, are Jamabandis showing me as the owner of my ancestral land"; and that "if I had not stood as a candidate at the election my votes would have gone to candidates other than the Congress candidate because (a) there is a general feeling of resentment in the country against the Congress, (b) Congress had taken away certain facilities which were available to the people in the locality and (c) Congress had imposed certain restrictions on the manufacture of liquor and regarding forests. People have voted for me in large number because I belong to Pangi and do social work for the people there". In cross-examination he admitted that his name from 1952 onwards was included in Chamba voters' list. He also admitted about the marriages of his children in Mahajan families and the presence of priests conducting the marriages. He further stated that—

"Pangwalas are governed by custom in the matter of succession. If a person dies leaving sons from one wife, they inherit property per capita. If, however, a person dies leaving sons from two wives then children from each wife will inherit the property per stripe and *inter se* per capita. Daughters do not inherit any share in the property..... I was the only son at the time of my father's death. My grandfather died in Pangi. He had only one wife. He left behind my father as his only son. My father had no sister."

He also stated that his son who stays in Pangi also works on land.

Jagat Singh (R.W. 1/1) is a retired Superintendent of Police. He was posted in Chamba for about 2-1/2 years and Pangi was within his jurisdiction. He visited Pangi once in the year 1949 and stated that Daulat Ram was treated by people in Pangi as a Pangwala and was regarded by them as their leader. Sansar Chand (R. W. 1/2) is also a Pangwala and Pradhan of Gam Panchayat. He said that he knew Daulat Ram and "we recognise him as Pangwala. Daulat Ram's father was born in Pangi.

I have no personal knowledge but I am told that his grandfather was permanently staying in Pangi and had married in Pangi. I know this because Daulat Ram is related to me. Daulat Ram's grandmother was a Pangwala lady. Daulat Ram's father had first married a Pangwala lady of village Kilar. That lady died and he thereafter married a lady from village Dharwas. She also died and then he married a Pangwala lady from village Sural. She was from my family. Daulat Ram respondent is from the first wife of his father. Daulat Ram's father stayed all his life in Pangi. Daulat Ram's mode of living is like Pangwalas. His family follows all the Pangwala customs". He further stated that there are persons who had shifted to Pangi from Rampur-Bushahr and Kulu and become Pangwalas. He gave the instance of one Rattan Dass. According to this witness "a person would be Pangwala if his ancestors up to two degrees resided in Pangi".

He also said that some of his ancestors had come from Bhadarwa and some from Padar near Jammu; that sister of Daulat Ram did not inherit any property of her father in Pangi; and that Daulat Ram's daughter-in-law visited Pangi twice and during one of her visits she stayed there for nearly two years. Ram Chand respondent appeared as R.W. 1/3 and he merely stated that his workers told me that "if Daulat Ram did not contest the election I will have 100 per cent chances of success". Thakur Sen Negi (R.W. 1/4) is also a member of the Legislative Assembly of Himachal Pradesh. He was the Settlement Officer in Chamba district and carried out the settlement operations in that area during the years 1951-58. He was also the Editor of the Chamba Gazetteer, which has been referred to already. According to him, a resident of Pangi is a pangwala and if a person shifts to Pangi and settles there permanently he will treat him as Pangwala and, therefore, a member of the Pangwala tribe. This witness said that intention to settle permanently in Pangi was the true test for determining whether or not a person belonged to Pangwala tribe. He would regard a person having intention to settle permanently in Pangi as a Pangwala and even if such person went and resided outside Pangi with an intention ultimately to revert to his family home he would not cease to be a Pangwala, while a person residing in Pangi for several years un-accompanied by an intention to settle there permanently will not be a Pangwala.

This is the oral evidence on the subject.

The learned counsel for the petitioner then referred to certain documents and statement of Daulat Ram before issues. Daulat Ram's statement before issues, however, does not carry the matter any further. I would now deal with the documents referred to by the learned counsel for the petitioner. In exhibits P.1 and P.2 the nomination paper of Daulat Ram dated 18-9-1951 and the voters' list respectively, Daulat Ram is shown as a resident of Chamba. Exhibit P.4, is an application by Charan Das to the Collector, Chamba State, made in 1985 Bikrami. Charan Das described himself there as a resident of Pangi. Similarly in Exhibit P.5, an application by Charan Das made in the Court of Sub-Judge, Chamba in Kartik, 1987 Bikrami, Charan Das is shown as resident of Pangi. Again, Charan Das stated himself to be a resident of Pangi in the Plaintiff in a suit for ejectment filed in the Court of Sub-Judge, Chamba, in 1987 Bikrami. In a judgment dated Chet 2,000 Bk. (Exhibit P.8) Daulat Ram is described as "Mahajan of Chamba town". In documents Exhibits P. 9 and P. 10 Daulat Ram has described himself as a resident of Chamba. Exhibit P. 11 is a copy of the judgment in Civil Suit No. 63, 89 filed in 1998 Bk. by one Dass against Daulat Ram and Daulat Ram's address is that of Chamba. Similarly documents exhibits P. 12, P. 13, P. 14, P. 15, P. 16, P. 17, P. 18, P. 19, P. 20,

P. 21, P. 22, P. 23, P. 24 and P. 25 are plaints, judgments and/or proceedings in certain suits against Daulat Ram and Daulat Ram is described there as a resident of Chamba. Exhibit P. 27 is a gift deed executed by Daulat Ram wherein he gave his address as Chamba. Exhibits P. 30 to P. 32 are nomination papers of Daulat Ram with respect to the election in question and his postal address is shown as "Mohalla Sapri, Chamba Town, Himachal Pradesh". There is a declaration in these nomination papers to the effect that—

"I further declare that I am a member of the Pangwala tribe which is a scheduled tribe of the State of Union Territory of Himachal Pradesh in relation to Bharmour constituency (area) in that State".

The other documents relied upon by the learned counsel for the petitioner are Exhibit P.W. 1/9, notice of nomination for election dated 18th September, 1951, and Exhibit P.W. 1/10-A, the entry in the Electoral Roll of Chamba district, and in both of them Daulat Ram is shown as resident of Chamba. Documents Exhibits P.W. 2/1 to P.W. 2/3 relate to the compensatory allowance drawn by Davinder Raj Gupta son of Daulat Ram at 100 per cent of the salary, which according to the petitioner, indicated that said Davinder Raj Gupta had always treated himself as resident outside Pangi. Exhibits P.W. 9/1 to P.W. 9/4 are admission forms in Government College, Chamba, filed by Narendra Raj Gupta son of Daulat Ram and the home address given therein is "Mohalla Sapri, Chamba". As I have already said, Exhibit P.W. 9/4 is also signed by Daulat Ram.

This is the state of evidence before me and from the various books and oral evidence the following position emerges: According to some of the petitioner's witnesses a Pangwala is a person whose ancestors up to four degrees have been residing in Pangi and who follow the customs, the way of living and the food habits of Pangwalas, while some of the petitioner's witnesses say that mere residence of a persons' ancestors up to four degrees will make him Pangwala. According to Sansar Chand (R.W. 1/2) residence of ancestors upto two degrees will be sufficient to make a person Pangwala. Some of the petitioner's witnesses said that Daulat Ram was not treated by them as Pangwala but as Mahajan while some witnesses of the first respondent and Daulat Ram himself spoke to the contrary. According to Thakur Sen Negi (R.W. 1/4) a person is a Pangwala if he shifts to Pangi with an intention to permanently settle there and his temporary absence from Pangi will be indifferent so long as he has the intention to revert to his home in Pangi. From the books referred to by me earlier the only indication available is that an inhabitant of Pangi is a Pangwala and I take it that the word "inhabitant" there has been used in the sense of "resident". Some witnesses of the petitioner considered that following of food habits and marriage ceremonies of Pangwalas was a necessary element for the person being treated as a Pangwala, while, accordingly to others, if a Pangwala did not follow these and adopted the modern way of life he would not cease to be Pangwala. In the absence of any definite material it is very difficult to formulate exact test but I must confess that I am unable to hold that an accepted Pangwala would cease to be one merely because he adopts the modern way of life and consequently does not eat what Pangwala eat, or does not marry in the same manner as Pangwalas do, or marries a girl outside Pangwala tribes. The food and dress habits among Pangwalas appear to have developed more because of the poverty, non-availability of food and the difficult terrain than anything else. Similarly, the forms of marriages seem to have developed because of the conditions in the area,

the shortage and/or importance of women who do all the work and the lethargic way of life among the males. These factors are not, in my opinion, determinative of the question whether or not a person belongs to Pangwala tribe. What I gather further from the evidence is that there are no recognised rites in Pangwala marriages and it is only certain methods which are adopted by the men for procuring girls for marrying them. Feasts do follow the marriages, but all these cannot be termed as, or equated with, religious ceremonies the observance of which alone can make one a Pangwala. No religious sanctity is attached to those methods. That leads me to the conclusion that a person who marries not in the manner followed by the Pangwalas would not cease to be a Pangwala. It does appear from the evidence that Daulat Ram's grandfather had married a Pangwala woman, had settled in Pangi and lived all his life there. Daulat Ram's father also married a Pangwala woman, lived in Pangi and carried on agricultural and other business there. Daulat Ram is from a Pangwala mother. His grandfather gave up his property in Nurpur, shifted to Pangi, was given a patta of an agricultural land there and was cultivating the same. Revenue papers Exhibits R. W. 2/1-A, R. W. 2/1-B and R. W. 2/1-C show that Daulat Ram is a resident of Pangi and that he is in cultivatory possession of the land. He is still maintaining the shop started by his grandfather. He stated in his evidence that he intends to go back and settle in Pangi after retirement. His son is still in Pangi and also cultivates the land besides being in service. Folk songs have been composed about Daulat Ram by Pangwalas which evidence adoption by Pangwalas of Daulat Ram as one of them. After careful consideration of the documents, books and the oral evidence I think the best test to determine the question appears to be that Pangwala is a person who is a resident of Pangi, has merged or absorbed himself among Pangwalas and has been adopted or accepted by Pangwalas, as one of them. An adopted stranger may, in my opinion, be as much a Pangwala as a person whose ancestors had settled in Pangi. Link of consanguinity of ethnical affinity may be one of the elements that go to constitute a tribe but a tribe as it expands depends more and more on common social and political institutions and less on actual kinship. The fact that his sons describe themselves as non-residents of Pangi and draw compensatory allowance as such would not be destructive of Daulat Ram's position that he intends to settle and go back to his ancestral home in Pangi. The evidence establishes that Daulat Ram is a resident of Pangi, is treated and accepted by Pangwalas as one of them and has absorbed himself in Pangwala society. A person driven out of his place of residence by stress of circumstances, such as business or education of children, will not be decisive or destructive of the intention of a person to revert to his home and, therefore, of the intention to permanently settle in a particular place. Daulat Ram's long stay in Chamba, his carrying on business and owing property there may be a piece of evidence but that cannot be treated as decisive in the face of other circumstances which weight heavily in favour of Daulat Ram's intention to go back to Pangi. Daulat Ram still retains the business and the agricultural land in Pangi which came to him from his grandfather and if he had no intention of settling in Pangi I see no reason why he should have retained the land, house and shop. There is no evidence to show that the possessions are remunerative and if I have formed any idea about the place that inclines me to say that they cannot be. Circumstances that obtain in the case of Daulat Ram would render the duration of stay in Chamba immaterial. It has come in evidence that there are no educational facilities in Pangi and a man wanting to educate his children may be

induced even by that purpose to adopt a different place as his temporary abode. This, by itself, may be a minor circumstance but does throw light on the question of intention. From these circumstances I deduce that Daulat Ram, though living in Chamba for a considerable time, has every intention to go back and settle in Pangi. He has only temporarily abandoned his house but not his home in Pangi. His affinity with Pangwalas and the marriages of his father and grandfather with Pangwala women lend considerable support to the view that I am taking. It follows therefore, that Daulat Ram is a Pangwala and his nomination paper was rightly accepted.

That takes me to the second question, namely, that even if his nomination paper had been wrongly accepted has the petitioner been able to show that the result of the election has been materially affected? In *Vashist Narain Sharma. V. Dev Chand A.I.R., 1954 S.C. 513*, their Lordships of the Supreme Court held—

"In the case of improper acceptance of a nomination: (a) if the nomination accepted was that of the returned candidate, the result must be materially affected; (b) if the difference between the number of votes is more than the wasted votes, the result cannot be affected at all; (c) if the number of wasted votes is greater than the margin of votes between the returned candidate and the candidate securing the next highest number of votes, it cannot be presumed that the wasted votes might have gone to the latter and that the result of the election has been materially affected.

This is a matter which has to be proved and, though it must be recognised that the petitioner in such a case is confronted with a difficult situation, he cannot be relieved of the duty imposed upon him by section 100(1)(c), and if the petitioner fails to adduce satisfactory evidence in support of his plea, the Tribunal would not interfere in his favour and would allow the election to stand."

This decision was again approved by their Lordships of the Supreme Court in *Mahadeo V. Uday Partap A.I.R., 1966 S.C. 824*. In this case if the nomination paper of Daulat Ram had been wrongly accepted the wasted votes would undoubtedly be more than the margin between the votes obtained by Ram Chand and Siri Ram respondents. The question still remains whether or not the petitioner has proved that the wasted votes would have been so cast as to swing the balance in favour of Siri Ram. It is difficult to accept the *i, pse dixit* of the witnesses when they swear to this fact. I am not unmindful of the fact that this is a burden which may practically be impossible of being discharged by the petitioner in the circumstances that obtain in this case but as held by their Lordships of the Supreme Court that difficulty does not absolve or relieve the petitioner of the rigour of burden cast on him. I really find no basis in the evidence of the petitioner's witnesses that the wasted votes would have swung the balance in favour of Siri Ram if Daulat Ram had not contested. It is no more than a conjecture or surmise by the witnesses.

I therefore, hold that the petitioner has failed to prove that the result of the election has been materially affected. In the result, this petition fails and is dismissed with costs. I fix the cost at Rs. 500 to be paid half and half to the respondents 1 and 2.

At the end I may point out that this petition had to be adjourned *sine die* earlier as the witnesses had to come from Pangi which area is snow-bound for a good part of the year.

अनुपूरक

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